

## Comment Letter I75

To: Cynthia Curtis  
Environmental Planning Manager  
County Environmental Planning Division  
5510 Overland Avenue, Suite 410  
San Diego, CA 92123



By Personal Delivery to Environmental Planning Division

From: Ray & Ellen Bender

Re: Bender White Binder Comments on County 2018 -2038 McClellan-Palomar  
Airport (CRQ) Master Plan (PMP) and PMP Programmatic EIR (PEIR)

Date: Monday, March 19, 2018

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County of San Diego  
ENVIRONMENTAL SERVICES

This cover letter (15 pages) forwards a white binder containing our comments on the County of San Diego 2018 – 2038 McClellan-Palomar Airport [CRQ] (PMP) Master Plan and Master Plan draft Programmatic EIR (PEIR).

This cover letter ends with a list of: *The Key Reasons County's 2018-2038 PMP and PEIR Do Not Support its Recommendation to Convert McClellan-Palomar (Palomar) Airport From an FAA-Rated B-II Airport to a Modified D-III Airport.*

Behind this cover letter, we provide are PMP and PEIR comment Parts A, B, and C. These parts total 244 pages plus the October 15, 2013 SCS Engineers letter (11 pages).

All 270 pages constitute our PMP and PEIR comments, which we ask county to answer.

Part A explains why the county PMP does not comply with Carlsbad General Plan policies, county General Plan policies, or applicable law.

Part B (with attachment of October 15, 2013 SCS Engineers Report entitled "*Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad, California*") explains why county's PMP and PEIR do not support a county request for Palomar Airport Improvement Program (AIP) grants. In its PMP and PEIR, county expressly says it will evaluate PMP alternatives by 8 criteria. One of these criteria is the county's eligibility for FAA grants.

Part C lists detailed PMP and PEIR defects. The defects are so substantial that county has an obligation to recirculate a new draft PEIR.

I75-1

2018 Bender White Binder Cover Sheet PMP and PEIR Mar 19

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

March 19, 2018

[White Binder with Bender Comments on County of San Diego 2018 -2038 McClellan-Palomar Airport [CRQ] Master Plan (PMP) and PMP Programmatic EIR Personally Delivered to County Environmental Planning Division at 5510 Overland Avenue, Suite 410, San Diego, CA 92123 on Monday March 19, 2018]

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Websites and media postings related to McClellan-Airport Expansion:

- (1) Citizens for a Friendly Airport (C4fa.org);
- (2) [savecarlsbad.com](http://savecarlsbad.com);
- (3) [Carlsbadpatch.com](http://Carlsbadpatch.com) (access Bulletin Board and search Bender); and
- (4) San Diego Free Press (search Bender)

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175-1  
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Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

**Re: Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar Airport [CRQ] Master Plan (PMP) & PMP Programmatic EIR**

Ms. Curtis; Messrs. Crawford, Cathey, and McClardy; and Ms. Gehlken :

This cover letter forwards a white binder containing our comments on the County of San Diego 2018 – 2038 McClellan-Palomar Airport [CRQ] (PMP) Master Plan and Master Plan draft Programmatic EIR (PEIR).

This cover letter ends with a list of: *The Key Reasons County's 2018-2038 PMP and PEIR Do Not Support its Recommendation to Convert McClellan-Palomar (Palomar) Airport From an FAA-Rated B-II Airport to a Modified D-III Airport.*

Behind this cover letter, we provide are PMP and PEIR comment Parts A, B, and C.

Part A explains why the county PMP does not comply with Carlsbad General Plan policies, county General Plan policies, or applicable law.

Part B explains why county's PMP and PEIR do not support a county request for Palomar Airport Improvement Program (AIP) grants. In its PMP and PEIR, county expressly says it will evaluate PMP alternatives by 8 criteria. One of these criteria is the county's eligibility for FAA grants.

Part C lists detailed PMP and PEIR defects. The defects are so substantial that county has an obligation to recirculate a new draft PEIR.

We provide our comments to Carlsbad because McClellan-Palomar Airport sits within the city of Carlsbad. Also, in our Part A, we adopt various comments Carlsbad has made on the county PMP and PEIR.

We provide our comments to the Aeronautics Division because the PUBLIC UTILITIES CODE – PUC, DIVISION 9. AVIATION [21001 - 24451], PART 1. STATE AERONAUTICS ACT [21001 - 21709], CHAPTER 4. Airports and Air Navigation Facilities [21601 - 21690.29] will require the county's application for an updated Certificate to Operate McClellan-Palomar Airport as a result of the changes the PMP proposes to the airport.

We provide our comments to the FAA because we understand that the FAA in the near future will have to prepare a McClellan-Palomar (CRQ) NEPA EIS related to either (i) the county 2018 – 2038 PMP, (ii) the FAA certification of a new Palomar Airport Layout Plan (ALP), (iii) county requests for FAA funding (perhaps related to the county December 2016 request for an FAA grant to fund Palomar Airport EMAS studies), and (iv) county requests for FAA grants and/or FAA approvals of its proposed PMP 200-foot runway extension.

We provide our comments to the SDRAA ALUC because the county 2018 – 2038 will require the ALUC to update the 2010/2011 McClellan-Palomar Land Use Compatibility Plan

175-2

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

**The Key Reasons County's 2018-2038 PMP and PEIR  
Do Not Support its Recommendation to  
Convert McClellan-Palomar (Palomar) Airport  
From an FAA-Rated B-II Airport to a Modified D-III Airport**

**A. Money: The Numbers Don't Add Up<sup>1</sup>**

- The new PMP forecasts a 30% Reduction in Palomar flights from the prior high.
- Only 10,000 passenger flights are needed to handle 500,000 more passengers out of a total of 208,000 flights.
- County forecasts ¼ of 1% D-III flights by 2038 (500 out of 208,000).
- County admits few past flights are needed to refuel after leaving Palomar.
- County wants to spend \$40 million to add 800 runway feet when Palomar replaced the entire 4900 runway feet for \$8.6 million plus in 2009 [**\$50,000 v. \$1,750 per linear foot**].
- The total project cost is \$97,000,000 to \$110,000,000 (in 2016 dollars).
- Palomar has either lost money or made little in each of the last 4 years.
- Even the FAA forecasts Palomar flight levels far less than county.

175-3

**Conclusion:** Palomar already has major excess capacity. Any Board of Supervisor member approval of this project should lead to a grand jury investigation of BOS expenditures and political contributions.

**B. Neither FAA Safety Policies Nor its Grant Policies Support the County Converting Palomar from a B-II Airport.**

- **Safety:** According to a 2011 Eighty-Page FAA Report Prepared for Santa Monica Airport, which like Palomar also has 300-Foot Runway Safety Area, Palomar Does not need a \$25 Million EMAS Safety System.
- **Safety:** According to the county's own October 15, 2013 SCS Engineers Report, Attracting Larger, Faster, More Fuel Laden Aircraft to a Methane-Emitting Closed Landfill Crash Site at the End of the East Palomar Runway Creates Significant Safety and Environmental Risks.
- **Safety: Planned Obsolescence.** County wants a "Modified D-III" airport. "Modified" means building a runway/taxiway separation of 367 feet instead of the FAA-required 400 feet. As a result, concurrent operation of the taxiway and runway would be barred to avoid aircraft on each touching wingtips. Who spends \$100 million for an airport obsolete on the day it is built? Especially when an operating restriction limits capacity?
- **County Palomar FAA Grant Violations** – County for 14 years dumped more than 1 million cubic yards of trash in more than 30 acres of Palomar Airport canyons in

175-4

<sup>1</sup> For costs, see the county PMP, page ES-11.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

violation of FAA Grant conditions drastically driving up Palomar development costs. County fails to explain why other grant applicants applying for more meritorious projects could lose requested funds because Palomar needs extraordinary funding levels due to county's misconduct.

- **County FAA Handbook Justification Failure.** Why would the FAA fund a Palomar 200-foot runway extension when (i) Palomar operates at very substantial under capacity on a runway rebuilt with FAA funds 9 years ago and (ii) county wants to tear up that runway and more than \$30 million of runway additions (the \$25 million west end EMAS and \$5 million plus runway extension) within 15 years to build a new runway?
- **County FAA Handbook Intergovernmental Cooperation Failure.** Why would the FAA fund Palomar improvements when: (i) County over a 20-year period failed to meet RWQCB Palomar landfill water quality objectives, (ii) County created three large Palomar landfills hostile to aircraft operations without seeking written FAA approval contrary to FAA grant conditions; (iii) County agreed to operate the airport in compliance with Carlsbad planning and zoning law including CUP 172 but says in its PMP that it claims immunity from such restrictions; (iv) Government Code § 65402 and 49 USC § 47106 independently require county to consult with the Carlsbad Council to resolve airport expansion concerns noted above but county does not in good faith; and (v) County has a history of failing to cooperate with Carlsbad as shown by county in 1997 asking for a Carlsbad Council hearing for its expiring PMP but later withdrawing the application?
- **County FAA Handbook EIR Failure.** As to extending the Palomar runway, the county EIR fails to answer: (i) where is the exact Palomar Unit 3 landfill border? (ii) How much of a runway extension can be built on stable soil and how much on pilings augured through the landfill? (iii) How much of Palomar's existing methane collection system will be replaced and what air quality impacts result? (4) Where does the PMP EIR discuss the issues raised by the county consultant SCS Engineers October 2013 report outlining safety and environmental impacts of an aircraft crashing into the landfill? and (5) What problems will auguring hundreds of long piles through the Unit 3 liner less landfill cause to water quality?
- **County FAA Handbook Project Allowability Failure.** For county to show the 2017-2037 PMP projects are "allowable," the Handbook requires county to show the projects are necessary and reasonable in cost. What PMP evidence exists to show runway extensions and relocations are needed when Palomar (1) is underutilized today and flight forecasts fall 30% over the next 20 years and (2) county presented no credible evidence of a need to encourage international flights from Palomar? How can FAA consider the county's projected cost reasonable when the costs are extraordinary as a result of county placing 1 million cubic yards of decaying, methane-emitting trash, which results in the need for deep pile supported runway extensions?

175-4  
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Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

- **County FAA Handbook Improvement Amortization Failure.** County’s proposal to extend the runway in the short term and relocate the entire runway within 20 years violates the FAA 20-year rule, which requires the proposed short term newly constructed EMAS and runway extension to be amortized over 20 years.
- **County BCA Manual Revenue Calculation Failure #1:** County miscalculates its projected increased revenues from extending the runway by ignoring the fact that alleged new Palomar revenues will simply be transferred from San Diego International Airport 30 miles to the south.
- **County BCA Manual Revenue Calculation Failure #2:** County miscalculates its revenues by ignoring revenue offsets caused by the three Palomar landfill revenue losses resulting from reducing rent for landfill-impacted tenants.
- **County BCA Manual Calculation Failure #3:** County improperly excluded EMAS costs from its runway extension costs. Due to Palomar land footprint limits, Palomar cannot satisfy FAA Airport RSA 1000-foot length requirements if county extends its runway unless county adds 2 EMAS systems. In other words, installing the EMAS is not truly a safety measure but rather a way of increasing the runway length and Palomar capacity.
- **County BCA Manual Failure #4.** County’s PMP underestimates PMP project costs. County fails to fully explain its runway extension piling requirement costs including the present costs of removing landfill-contaminated soil when hundreds of deep drilling holes are made. County has also likely failed to design the piling-supported runway extension to remediate liquefaction that occur at the landfill in an earthquake.
- **County BCA Manual Failure 5:** County’s PMP and BCA estimates do not disclose how annual landfill maintenance costs will be handled over the 20-year project life. Once county (i) uses the landfill to support its runway extension and (ii) increases future environmental risks and clean up resulting from operations, County Airports and not County Landfill Management should bear the cost of annual landfill monitoring requirements. Taxpayers should not be bearing the landfill monitoring costs for land used to benefit the airport. These costs are substantial.
- **BCA Manual Failure 6:** County’s 2011 Runway Feasibility Study and 2018 PMP Fail to Provide a Meaningful “Sensitivity” Analysis to Support the Project Revenues and Costs it Forecasts and the Accuracy of the Resulting BCA Ratio Calculated – as the FAA BCA Manual requires.

**Conclusion:** County defined the 8 criteria by which its PMP project alternatives were to be judged. The criteria do not carry equal weight for a simple reason. There is no way the Board of Supervisors could support even one a quarter of the forecasted project costs since Palomar has been losing money for several years. Historically, county has asked for the FAA to fund 90% of airport improvement costs. The FAA usually does for qualifying

175-4  
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Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

projects. The facts above make clear that the FAA will have substantial difficulty awarding county much money. Hence, the county staff recommendation to install a Modified D-III runway or even a C runway fails.

175-4  
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### C. The County Programmatic EIR Doesn't Satisfy CEQA.

- **Credibility.** A standard California jury instruction states in part:

*"[I]f you decide that a witness did not tell the truth about something important, you may choose not to believe anything that witness said. On the other hand, if you think the witness did not tell the truth about some things but told the truth about others, you may accept the part you think is true and ignore the rest."*<sup>2</sup>

175-5

That is also the standard a court would apply if the county EIR were challenged. The county put its credibility in issue when its Program EIR claimed that there were no significant water quality issues raised by its PMP project. As detailed in our PMP PEIR comments, county has failed to meet the Palomar landfill water quality objectives set forth in Regional Water Quality Control Board Order 96-13 for 21 years despite receiving requests from the RWQCB in 2016 and 2017 to provide a plan to meet the objectives. In short, how much of the PEIR can a reader believe? Worse, the county PMP proposes drilling hundreds of very deep holes through the already "water quality non-compliant" Palomar Unit 3 19 acre landfill, which will drain contaminants into the soil and ground waters.

- **County's PEIR Fails to Satisfy Programmatic Requirements.** California encourages program EIRs. The concept is simple. Project sponsors usually cannot predict what projects will be undertaken in the next 20 years. Nor do they necessarily know specific project impacts. But courts have said project sponsors must still provide enough info to determine how long-term projects will impact the environment. County's main project is an 800-foot \$40 million runway extension over a methane-emitting landfill, which requires placing hundreds of deep pilings through the landfill. County staff asks the Board of Supervisors to approve this project even though county has not conducted sufficient soil borings in the location of the interim and final runway extensions to determine (i) how accurate the pile placement estimates are and (ii) how much hazardous material will be brought up by its augurs, which drastically affects the cost of removing this material off site.
- **County's Project Description Improperly Claim that the Conversion of Palomar from a B-II Airport to a "Modified D-III" Airport Keeps All New Airport Related Facilities Within the Existing Borders on the Northwest Corner of El Camino Areal and Palomar Airport Road.** We understand that (i) county's proposed retaining walls may require acquisition of some property and/or (ii) extending and moving the runway on the northwest corner of ECR and PAR will require placement of navigational aids on the northeast corner of ECR and PAR. If county disagrees, expressly warrant in the PEIR that neither of these statements is

175-6

175-7

<sup>2</sup> See Judicial Council of California Advisory Committee on Civil Jury Instructions, Instruction 107, LexisNexis Matthew Bender Official Publisher.



Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

correct and provide the names and info for the FAA and county staff that can confirm county's position.

175-7  
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- **County's PEIR Fails to Provide Enforceable, Meaningful Mitigation Measures for Significant Impacts Identified.** Recall the credibility comment above. County in 1996 promised another state agency, the RWQCB, that county would use its best efforts to meet the water quality contaminant objectives set forth in the RWQCB order. Yet in 21 years, county reports every year in its monitoring reports that the contaminant levels exceed the objectives by anywhere from 200% to 1400%. RWQCB has imposed no penalty on county even though county has yet to present the written plan that RWQCB requested in both 2016 and 2017. The county 2018 – 2038 PMP Executive Summary, as related to mitigation for PMP biological impacts and traffic impacts, makes vague, unenforceable, contingent mitigation promises. How well does that work?
- **County's PEIR Makes An Inadequate Effort to Identify Cumulative Project Impacts.** Carlsbad has commented that county did not in the PEIR even reference the ongoing and planned Carlsbad projects including two hotels.
- **For 40 years County has Engaged in a Consistent Pattern of Airport Expansion Without an EIR or Significant Environmental Analysis Indicating that Its CEQA "Compliance" is a Sham.** EIRs list possible project alternatives and their environmental impacts. In theory, county picks the best project considering environmental impacts. County is not supposed to pick a desired project and then simply write an EIR to justify it. The county Palomar history shows an unbridled pre-commitment to expanding Palomar Airport for the following reasons:

  - In 1980 county promised Carlsbad it would operate a "general aviation basic transport avenue," which generally serve private owners, corporate jets, and aircraft used in an emergency.<sup>3</sup>

175-8

175-9

175-10

<sup>3</sup> See Carlsbad CUP 172, Condition 11. "Basic transport" airports are airports that serve local needs, not regional needs. The FAA 2012/2017 – 2022 National Plan of Integrated Airports (NPIAS) defines the terms "regional," "local," and "basic" as follows:

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

- County asked the FAA for a B-II airport classification, which county says it has maintained until 2018. The FAA airport design manual says that B-II runways have runway widths of 75 feet.<sup>4</sup> Instead county built a runway 150 feet wide.<sup>5</sup> But county did not install the 1000-foot RSAs that FAA-rated C and D airports have.
- Some C and D aircraft began using Palomar because the extra runway width that county created allowed Palomar to accommodate the extra wingspan of C and D aircraft.
- When questioned about C and D aircraft use, county replied that it could not control the aircraft that chose to use Palomar, omitting to mention that Palomar attracted such aircraft mainly because county had doubled the Palomar runway width.

<b>Regional</b>	Supports regional economies by connecting communities to regional and national markets. Generally located in metropolitan areas and serve relatively large populations. Regional airports have high levels of activity with some jets and multiengine propeller aircraft. The metropolitan areas in which regional airports are located can be metropolitan statistical areas with an urban core population of at least 50,000 or micropolitan statistical areas with a core urban population between 10,000 and 50,000.	<ul style="list-style-type: none"> <li>• In a metropolitan statistical area, 10 or more domestic flights over 500 miles, 1,000 or more instrument operations, and 1 or more based jet or 100 or more based aircraft.</li> <li>• Reliever with 90 or more based aircraft.</li> <li>• Nonprimary commercial service airport (requiring scheduled service) within a metropolitan statistical area.</li> </ul>
<b>Local</b>	Supplements local communities by providing access to markets within a State or immediate region. Local airports are most often located near larger population centers, but not necessarily in metropolitan or micropolitan areas. Most of the flying at local airports is by piston aircraft in support of business and personal needs. These airports typically accommodate flight training, emergency services, and charter passenger service.	<ul style="list-style-type: none"> <li>• Public owned and 10 or more instrument operations and 15 or more based aircraft.</li> <li>• Public owned and 2,500 or more annual enplanements.</li> </ul>
<b>Basic</b>	Provides a means for general aviation flying and link the community to the national airport system. These airports support general aviation activities, such as emergency response, air ambulance service, flight training, and personal flying. Most of the flying at basic airports is self-piloted for business and personal reasons using propeller-driven aircraft. They often fulfill their role with a single runway or helipad and minimal infrastructure.	<ul style="list-style-type: none"> <li>• Public owned with 10 or more based aircraft or 4 or more based helicopters if a heliport.</li> <li>• Public owned located 30 or more miles from the nearest NPIAS airport.</li> <li>• Owned or serving a Native American community.</li> <li>• Identified and used by the U.S. Forest Service, U.S. Marshals Service, U.S. Customs and Border Protection (designated, international or landing rights), U.S. Postal Service (air stops), or has Essential Air Service.</li> <li>• A new or replacement (public owned) airport that has opened within the last 10 years.</li> <li>• Unique circumstances related to special aeronautical use.</li> </ul>

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<sup>4</sup> See FAA Design Manual AC 150/5300-13A, Table A7-3 entitled *Runway design standards matrix, A/B Small Aircraft*. If aircraft land at airports with visibility minimums lower than  $\frac{3}{4}$  mile, the manual calls for a runway width of 100 feet.

<sup>5</sup> County 1 hour presentation at February 20, 2018 Carlsbad City Council meeting receiving information about county 2018-2038 Palomar Master Plan.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

- In the 1990s, county requested that the FAA certify Palomar as a Part 150 airport to handle regularly scheduled commercial service. County did not ask Carlsbad to remove the CUP 172 Condition 11 limiting Palomar to providing “general aviation basic transport” services.
- In 2009, county obtained FAA funding to dig up and rehabilitate the Palomar 4900-foot runway. After the rehabilitation contract award, it appears that county by change order asked the contractor to pour concrete with higher load ratings, presumably to accommodate heavier aircraft in the future.<sup>6</sup>
- In December 2015, when the Board of Supervisors reviewed the Palomar Runway Feasibility report (the basis for the 2018 PMP and prepared by the same consultant as the PMP), Supervisor Horn stated on the record that he favored a 900-foot runway extension even though the consultant at the meeting stated that only a maximum of 800 was possible. Mr. Horn also stated on the record (i) he favored extending the runway over the adjacent El Camino Real to the opposite side of the road and (ii) displacing the general aviation parking on the north terminal side.
- In December 2016 – long before the BOS summer 2017 consideration of the PMP projects – the airport requested a several hundred thousand dollar FAA grant to study installation of a Palomar EMAS system.
- In 2017 – to justify re-initiation of air carrier service at Palomar after a 9 to 18 month gap in service – county relied on a 20 year old document and a CEQA categorical exemption, which did not in any event evaluate the level of air carrier service that the new air carrier was projecting.

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**Conclusion:** History shows that county has engaged in a long course of conduct of (i) not only failing to satisfy state and FAA intergovernmental cooperation requirements but deliberately frustrating agreements already made with Carlsbad and (ii) proceeds with Palomar expansion even before considering environmental documents in good faith.

175-11

**D. County Has Not Satisfied the Carlsbad, State, and Federal Laws Related to its PMP.**

- **Non-Compliance with Carlsbad Law.** In 1977, county asked Carlsbad to annex the Palomar Airport into Carlsbad so Palomar could receive city services. In 1980, county asked Carlsbad to issue Conditional Use Permit (CUP) 172 defining the improvements that county could make to Palomar Airport without further Carlsbad approvals. CUP 172 Table 1 lists future improvements. County initially prepared the table and expressly included runway extensions. Carlsbad deleted this category when adopting a revised CUP 172 Table 1. County accepted the revised CUP 172.

175-12

<sup>6</sup> By our comments, we request county to provide the original 2009 contractor runway pavement requirements, the adjusted requirements, and how the change impacted the Palomar runway to handle aircraft placing higher loads on the runway.



Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

County now says in its 2018 PMP that it need not abide by CUP 172 because county need not comply with any Carlsbad zoning or planning requirement. County voluntarily submitted itself to Carlsbad requirements. County may well have the right to withdraw that consent. But to do so, county must comply with California law. The California Government Code requires county to adopt a General Plan covering county facilities. County operates 8 airports within the county. Its General Plan – which contains many important policies applicable to airports – expressly applies only to the 6 airports in unincorporated areas. In other words, county wants to operate Palomar without applying either Carlsbad’s or its own General plan policies.

Moreover, when accepting CUP 172, county agreed to CUP 172 condition 11, which states that county would operate Palomar as a “General Aviation Basic Transport” airport.<sup>7</sup> Without asking for Carlsbad CUP 172 amendment, County in the 1990s asked the FAA to certify Palomar as an airport to provide regularly scheduled commercial service. By its 2018 PMP, county seeks to convert Palomar from an FAA-rated B-II airport to a “Modified D-III” airport to serve even larger and faster regularly scheduled commercial aircraft and to provide regional commercial service. Such service does not comply with the CUP 172 “general aviation basic transport” requirement.<sup>8</sup>

- **Non-Compliance with State Law Directing Carlsbad Review of PMP.** In processing its PMP and PEIR, county has failed to comply with California Government Code § 65402(b), PUC § 21661.6 and PUC 21676, which collectively require county to provide its PMP to the Carlsbad city council for a determination that its PMP projects are consistent with the Carlsbad General Plan.
- **Non-Compliance with Showing PMP Consistent with SDRAA ALUC McClellan-Palomar Airport Land Use Plan.** In processing its PMP and PEIR, county has failed to show that it has or will timely present the Palomar Airport Layout Plan (ALP) associated with it PMP to the San Diego Regional Airport Authority Airport Land Use Commission (ALUC) for a determination as to whether the proposed 2018-2038 PMP Projects Require the ALUC to Update the McClellan-Palomar Land Use Compatibility Plan.
- **Non-Compliance with Obtaining an Updated State Division of Aeronautics Updated Operating Permit.** In processing its PMP and PEIR, county has failed to show that it has or will timely comply with the above requirements so that county

<sup>7</sup> For definitions of “local” airports and the subcategory of “basic” airport, see the 2017-2022 FAA National Plan of Integrated Airport Systems (NPIAS), Appendix C available at [https://www.faa.gov/airports/planning\\_capacity/npias/reports/media/NPIAS-Report-2017-2021-Appendix-C.pdf](https://www.faa.gov/airports/planning_capacity/npias/reports/media/NPIAS-Report-2017-2021-Appendix-C.pdf).

<sup>8</sup> For definitions of the FAA terms “basic,” “local,” and “regional” airports, see the FAA 2017-2022 NPIA report, Appendix C, available at [https://www.faa.gov/airports/planning\\_capacity/npias/reports/media/NPIAS-Report-2017-2021-Appendix-C.pdf](https://www.faa.gov/airports/planning_capacity/npias/reports/media/NPIAS-Report-2017-2021-Appendix-C.pdf).

175-12  
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Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

may obtain an updated Certificate to operate from the California Division of aeronautics pursuant to PUC Division 9 including PUC § 21664.5 related to extending airport runways.<sup>9</sup>

- **Noncompliance with the Airport and Airway Improvement Act (“AAIA”).** Congressional policy precludes the FAA from spending grant funds on projects having significant environmental impacts when less environmentally impactful projects can be carried out. Review of past county actions suggests that county views CEQA as merely a procedural process that can be sidestepped by adopting a Statement of Overriding Considerations and then approving a project despite its environmental impacts.

The Airport and Airway Improvement Act (“AAIA”) says: *“It is the policy of the United States – [ ] that the safe operation of the airport and airway system is the highest aviation priority.”* 49 U.S.C. §47101(a)(1). The AAIA also says that the FAA may grant federal funding for a major airport development project *“found to have a significant adverse effect on natural resources, including fish and wildlife, natural, scenic, and recreation assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.”* 49 U.S.C § 47106(c)(1)(B). [Emphasis added.]

The county’s own consultant SCS Engineers in its October 15, 2013 report<sup>10</sup> [which county fails to provide] describes the significant safety and environmental problems that a crash of a large fuel-laden C or D aircraft into the Palomar east runway end landfill could cause. Yet it is precisely this 19 acre into which county (i) proposes to extend its runway by up to 800 feet, (ii) attract more, larger, faster, fuel laden aircraft, thereby (iii) placing a downed aircraft directly in the middle of a methane, emitting landfill, which periodically has methane gas emissions exceeding the 5% explosive limit. Moreover, as the information provided above shows (i) county has failed repeatedly to comply with its past Palomar landfill mitigation requirements and (ii) the mitigation described in its 2018-2038 PMP and PEIR is vague, unduly conditioned, and largely unenforceable.

### Conclusion

<sup>9</sup> PUC 21664.5 provides in relevant part: (a) *An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.* (b) *As used in this section, “airport expansion” includes any of the following: (1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section. (2) The construction of a new runway. (3) The extension or realignment of an existing runway. (4) Any other expansion of the airport’s physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).*

<sup>10</sup> The SCS Engineers October 15, 2013 Report is attached to the Bender PMP and PEIR comments after Part B related to county’s compliance with FAA grant funding requirements.

175-12  
cont.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

County established PMP and PMP PEIR to evaluate its PMP Alternatives as set forth in the table below.<sup>11</sup> For the reasons above and in our detailed PMP and PMP PEIR comments, staff has failed to support converting Palomar from a B-II airport to any other FAA rated airport.

I75-13

**County PMP/PEIR Listed Evaluation Factors to Select  
PMP Project Alternative**

- County's Preferred PMP Project Alternative is to convert Palomar from a B-II Airport to a "Modified D-III Standards Compliance" Airport.
- But extending the runway up to 800 feet on pilings through a 19-acre landfill to convert Palomar from its existing B-II status to a C or D status fails to meet the county listed evaluation criteria.

I75-14

	Factor	Bender Comments [Apply equally to a Palomar Mod D-III or C Alternative]
1	Safety	<ul style="list-style-type: none"> <li>• Brings larger, faster, more fuel laden aircraft to middle of runway east end methane emitting landfill;</li> <li>• FAA 2011 Santa Monica Study Says B-II airports can safely handle C and D aircraft without an EMAS;</li> <li>• Since 1996, Palomar has annually handled 1,000 to 10,000 aircraft on the existing runway B-II.</li> <li>• An EMAS may improve safety for aircraft taking off but can reduce safety for landing aircraft.</li> </ul>
2	Financial Feasibility	<ul style="list-style-type: none"> <li>• Extending the runway on piles over the landfill costs \$50,000 a linear foot v. 2009 FAA funded runway rehabilitation cost of \$1,750 a linear foot.</li> <li>• County won't even amortize its 2009 FAA runway grants until 2029.</li> <li>• If a \$25 million EMAS is added, its cost needs to be added to the financial analysis, as it is not a safety improvement but an inherent element of a runway extension, which could not be made in the absence of the EMAS.</li> <li>• To construct the EMAS, county proposes a needless west runway end massive retaining wall so an airport service road around the airport can be relocated. No retaining wall is needed. Simply tunnel for 200 feet under the runway end to maintain the existing road.</li> <li>• It appears that the retaining wall is proposed as a way to satisfy Supervisor Horn who has consistently insisted on a 900-foot runway extension rather than 800. The PMP says the retaining wall will preserve the 900-foot option –</li> </ul>

I75-15

I75-16

<sup>11</sup> SEE PMP PEIR Executive Summary, pp S-1 to S-2.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

		apparently at an extra cost of \$5 million to \$9 million.	175-16 cont.
3	Avoid Airport Disruption	<ul style="list-style-type: none"> <li>County's preferred alternative is the most tenant-disruptive because it anticipates moving tenant buildings and/or moving GA parking off the airport.</li> <li>Also, the extension will likely require shutting down the airport for extended periods due to the need for construction runway extension on hundreds of deep piles rather than the usual "cut and patch" runway extension method.<sup>12</sup></li> </ul>	175-17
4	Demand Accommodation	<ul style="list-style-type: none"> <li>As shown above, the existing Palomar B-II airport has very substantial existing excess capacity and future demand is minimal and shrinking.</li> </ul>	175-18
5	Remain on Airport Property	<ul style="list-style-type: none"> <li>We are informed and believe that (i) relocating and/or extending the runway on the northwest corner of ECR and PAR requires modification of navigation facilities on the northeast corner of ECR and PAR at a cost of \$2.8 million<sup>13</sup> and (ii) installing retaining walls would require acquisition of some non-airport property. Hence, we dispute county's claim that its projects do not require development outside the Carlsbad CUP 172 northwest corner airport premises.</li> </ul>	175-19
6	Environmental Impacts	<ul style="list-style-type: none"> <li>Extending the Palomar runway east to create either an FAA C-rated or D-rated airport is the most environmentally impactful project because               <ul style="list-style-type: none"> <li>(i) it requires placing several hundred very deep pilings through a liner less, 19-acre Palomar runway east end landfill that a 6-month underground fire has likely converted some trash to hazardous waste,</li> <li>(ii) county already fails to meet RWQCB 1996 landfill contaminant objectives and drilling through the landfill will exacerbate the problem,</li> <li>(iii) relocating the runway north more directly impacts threatened biological species as discussed in the PEIR, and</li> <li>(iv) county already fails to meet the Carlsbad scenic corridor requirements by failing to shield the ugly Palomar perimeter slopes from adjacent areas.</li> </ul> </li> </ul>	175-20

<sup>12</sup> Amazingly, contractors today can replace several tennis side patches of aircraft pavement over night in less than 8 hours using quick drying materials. See the YouTube, Smithsonian video, "Xray Mega Airport." See <https://www.youtube.com/watch?v=DYlcFOJN4yk> A

<sup>13</sup> See PMP page ES-11.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

7	Offsite Impacts	<ul style="list-style-type: none"> <li>Extending the runway eastward toward El Camino Real will impact offsite areas the most for two reasons. First, as noted above modifications to the FAA navigational facilities on the northeast corner of El Camino Real and Palomar Airport Road will be required. Second and more importantly, today landing aircraft approaching Palomar from the east touch down about 1200 feet from ECR, a major north-south arterial adjoining the airport on the east. If an EMAS is installed on the runway west end and the runway is extended 800 feet on the east end, aircraft approaching Palomar will have to touch down on the runway much sooner and approach much lower over thousands of ECR cars using the road continuously.</li> </ul>	I75-21
8	Eligibility for FAA Funding	<ul style="list-style-type: none"> <li>For the reasons detailed above – starting with county’s breach of past FAA grant conditions by using Palomar for non-airport purposes (placing 1 million cu yds of trash in more than 30 acres of airport canyons) – the PMP projects fail to comply with the FAA “justification,” “allowability,” “intergovernmental cooperation,” “environmental,” “reasonable cost,” and legal requirements.</li> </ul>	I75-22

For the foregoing reasons, we request that the Board of Supervisors:

- (i) Reject staff’s PMP project alternative and retain Palomar as a B-II airport;
- (ii) Instruct staff to either comply with Carlsbad MC §21.53.015 and Carlsbad Conditional Use Permit 172 or withdraw from CUP 172 by giving Carlsbad a reasonable notice conditioned upon county processing its 2018-2038 as an element of the County General Plan [which now applies to only unincorporated areas] to assure that county applies its airport General Plan policies – which now apply to only 6 of the county airports – to all county airports including to Palomar and to Gillespie;
- (iii) Refuse to certify the PMP Programmatic EIR until staff corrects the deficiencies noted in our comments and require recirculation of the draft PEIR due to it many defects;
- (iv) If the Board approves staff’s recommendations (including but not limited to adopting the PMP and certifying the PMP PEIR), instruct airport staff, if staff has not already done so to immediately provide, a copy of its FAA updated Palomar Airport Layout Plan (part of the adopted PMP) to the San Diego Regional Airport Authority Airport Land Use Committee (ALUC) so that the

I75-23

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

ALUC can update the McClellan-Palomar Land Use Compatibility Plan to assure its consistency with the PMP;

- (v) If the Board approves staff's PMP and PMP PEIR recommendations instruct staff – after the ALUC noted in item (iv) above updates its Palomar Land Use Compatibility Plan and after Carlsbad certifies the consistency of the county PMP with the Carlsbad General Plan, apply to the State of California Division of Aeronautics for an amended Palomar operating permit consistent with the Board of Supervisors PMP adopted; and
- (vi) Include all of our comments related to the BOS consideration of the PMP and PEIR in the administrative record so they are readily available for any court review of the Board's actions on the PMP and/or PMP PEIR.

175-23  
cont.

Thank you for your consideration of our comments, which we submit as taxpayers, payers of airport user fees, and commenters on the county PMP and PEIR.

175-24

/s/

Ray & Ellen Bender

2018 Top Reasons County 2018 to 2038 PMP Makes No Sense.doc



**Part A**  
**Comments on County Compliance with**  
**California, Carlsbad, and County Planning Requirements**  
**[Related to County PMP and PEIR Alternative Evaluation Criteria #6 (Environmental Compliance)]**

**Executive Summary**

County has asked for comments on its 2018 - 2038 McClellan-Palomar (Palomar) Airport Master Plan (PMP) and on its PMP Programmatic EIR.<sup>1</sup> Our comments below focus on what, if any, Carlsbad General plan and/or County General Plan policies apply to the Palomar Airport development over the next 20 Years.

175-25

Carlsbad in March 2018 commented on various county 2018 – 2038 PMP deficiencies, omissions, and irregularities. Because we focus on a larger issue in this Part A PMP discussion, we do not repeat or embellish on the Carlsbad comments (except to the extent our Part C comments refer to both the county PMP and PEIR). But we do adopt the Carlsbad comments to preserve our right to raise them in subsequent proceedings.

Palomar Airport Project Background

County defines its project as (i) converting Palomar Airport from an FAA-rated B-II Airport handling smaller, slower, less fuel-laden aircraft to an FAA-rated *D-III Modified Standards Compliance* Airport increasingly handling faster, larger, more fuel-laden aircraft and (ii) implementing 16 specific project elements.

County's largest, most-expensive projects include installation of two runway safety systems; extending the runway up to 800-feet over a 19 acre Unit 3 Palomar closed landfill, possibly in two increments of 200-feet and 600-feet; and relocating the runway north about 120 feet within 13 to 20 years. To complete its projects, county wants to install two massive retaining walls with undefined lengths but perhaps 50 feet high along the Palomar east side runway and along the south east side of the airport along Palomar Airport Road near El Camino Real.

175-26

In 2016 dollars, county estimates its cost at from \$112,000,00 to \$124,000,000. County estimates the cost of the 600-foot extension alone at \$30,000,000. In 2009, the FAA gave county \$8.6 million to tear up and rehabilitate the entire existing 4900-foot runway.

The extremely high cost of the runway extension results from the county in the 1960s and 1970s filling Palomar Airport canyons with about 1 million cubic yards of trash. The three county-created landfills have very unstable soil. To compensate for bad soil, county wants to

<sup>1</sup> We understand county to say that the Programmatic EIR is not intended to analyze all or perhaps even most PMP project elements and county will perform supplemental CEQA analysis as individual projects arise. We remind county of two things. First, even a Programmatic EIR must environmentally analyze project elements in sufficient detail that the Board of Supervisors can intelligently decide whether to commit the county to a 20-year course of action that has severe consequences.

42 sink several hundred holes for pilings, each 15 feet to 40 feet deep, through the trash, to  
43 support grade beams, which in turn will support the runway extension.  
44  
45 County asks for comments on 8 possible project alternative listed in Table 4-1 on p. 4-17 of  
46 its PEIR. Conceptually, these 8 alternatives fall into three categories. First, do no project or  
47 perhaps add only a west end Palomar runway safety system (EMAS). Second, convert  
48 Palomar from a B airport to a C airport handling larger, faster aircraft. Third, convert  
49 Palomar from a B airport to a D airport handling ever larger, faster aircraft. The second and  
50 third categories are substantially the same. With either, the community gets a relocated, very  
51 long, very expensive runway.

52  
53 County says it will choose an alternative using 8 criteria: Safety, Cost, Minimizing Impacts to  
54 its Tenants, Ability to Serve Current and New Demand, Staying on the Northwest corner of  
55 ECR and PAR, Environmental Impacts, Off-Airport Impacts, and Ability to Qualify for FAA  
56 Grants. If airports qualify for FAA grants, the FAA may provide up to 90% of project costs.

57  
58 *The Carlsbad-County "40-Year War of the Roses"*

59  
60 County started Palomar Airport operations near Carlsbad in the mid 1950s, initially in an  
61 unincorporated county area. Because county wanted Carlsbad city services, including utilities  
62 and fire suppression for Palomar, Carlsbad annexed Palomar Airport into Carlsbad.

63  
64 County then asked Carlsbad to rezone the airport property. County also asked Carlsbad to  
65 issue Carlsbad Conditional Use Permit (CUP) 172 to define what county future airport  
66 developments would and would not require Carlsbad approval. Carlsbad approved CUP 172  
67 in 1980.

68  
69 At that time, Carlsbad residents became concerned that the county wanted to expand Palomar  
70 by adding a second runway or by extending the existing runway. The residents circulated an  
71 initiative petition. The petition said Carlsbad residents wanted to vote on any Palomar  
72 expansion that would involve Carlsbad city council action.

73  
74 Seeing the "writing on the wall," the Carlsbad city council simply adopted verbatim the  
75 initiative petition language into the Carlsbad Municipal Code – as the State elections code  
76 then allowed.

77  
78 It appears that in the 1980s, Carlsbad was a "general law" city. It also appears that at that  
79 time, the State Aeronautics Act (contained in the State Public Utilities Code) expressly  
80 defined runway extensions as airport "expansions."<sup>2</sup> As a general law city, Carlsbad was  
81 bound by the Aeronautics Act definition of expansion.

<sup>2</sup> See PUC § 21664.5. (a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.

I75-26  
cont.



82

83 In addition, the Carlsbad and county records show that when county requested CUP 172,  
 84 county prepared a Table 1 that listed the future improvements it could make at Palomar.  
 85 County's list referred to runways. When the Carlsbad city council adopted CUP 171, Table 1  
 86 did not include runways. In addition, CUP 172, Conditions 8 and 11, said that county would  
 87 not expand Palomar without Carlsbad permission and would keep Palomar airport as a  
 88 "general aviation basic transport" airport.

89

90 Thirty-five years of Carlsbad-county correspondence suggests that county has made every  
 91 effort to sidestep Carlsbad review of Palomar Airport projects. County states in its 2018 -  
 92 2038 PMP and PEIR that it is not subject to Carlsbad law, and that county has on occasion  
 93 voluntarily complied with CUP 172 to maintain good relationships with Carlsbad.

94

95 Yet county in 1997/1998 – although it started processing its last Palomar Master Plan to the  
 96 Carlsbad City Council – withdrew the plan at the last moment.

97

98 The legal arguments as to what procedures the county must follow to process its 2018 – 2038  
 99 Palomar Master Plan are complicated. Many of the relevant laws and issues are discussed in  
 100 Part C of these comments. Why in Part C. Because when preparing a California  
 101 Environmental Quality Act (CEQA) EIR, the county must discuss the substantive and  
 102 procedural "land use" rules that apply to the development of a county airport and the area  
 103 surrounding the airport. If county fails to properly discuss them in the EIR, the EIR will be  
 104 defective.

105

106 We begin this Part A by focusing on a unique issue created by the county's 2018 – 2038  
 107 position. Assume (until you read Part C Comments) that county is correct in saying that  
 108 county can ignore Carlsbad laws, including CUP 172 and MC § 21.53.015. What are the  
 109 consequences?

110

111 Relationship of the County Palomar Master Plan to the County General Plan and to the  
 112 Carlsbad 2015 General Plan and to the County Programmatic EIR.

113

114 Assume Carlsbad laws do not apply to Palomar Airport when county modifies its Palomar  
 115 infrastructure like the runway.<sup>3</sup> Do any laws apply? If not, is Palomar – which by its noise,  
 116 pollution, and traffic it induces – impacts up to 400,000 people in Carlsbad, Encinitas,  
 117 Oceanside, San Marcos, and Vista – an unregulated island? In other words, can county do as  
 118 it wishes essentially without any review? This is the issue this Part A focuses on.

175-26  
cont.

175-27

(b) As used in this section, "airport expansion" includes any of the following:

(1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.

(2) The construction of a new runway.

(3) The extension or realignment of an existing runway.

(4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3). \* \* \*

<sup>3</sup> It appears that county does concede that Carlsbad can to an extent apply Carlsbad laws to Palomar private tenants. Why? Because private persons can not claim the "sovereign immunity" that governmental entities can claim.

119  
 120 The California Legislature in the California Government Code commands counties and cities  
 121 to adopt General Plans, usually for 20-year periods. These plans must analyze many issues  
 122 including transportation issues. The legislative goal is simple: Write roadmaps to avoid  
 123 willy-nilly development. And avoid conflicts as cities and counties butt up against each other.

124  
 125 In 2015 Carlsbad updated its latest General Plan (GP). The GP adopts many policies, some  
 126 applicable to Palomar Airport. But Carlsbad in 2015 did not know that county intended to  
 127 spend \$100,000,000 to expand Palomar Airport. So the 2015 Carlsbad GP discusses Palomar  
 128 Airport relatively briefly.

129  
 130 County has also adopted a General Plan. But its GP seems to say that it applies only to  
 131 unincorporated areas of the county. Palomar Airport is county property within the city of  
 132 Carlsbad (now a chartered city, not a general law city).<sup>4</sup> So it would seem that the county GP  
 133 applies only to 6 of the 8 airports that county operates, but not to Palomar or to Gillespie,  
 134 which respectively are in the cities of Carlsbad and El Cajon. An independent Airport  
 135 Authority (the San Diego Regional Airport Authority or SDRAA), not the county, operates  
 136 San Diego International Airport at Lindbergh Field.

137  
 138 We now come to the \$64 Question: If county says it will ignore Carlsbad law and if the  
 139 county General Plan applies only to the 6 county airports in unincorporated areas, does  
 140 Palomar develop and operate without restriction? County needs to answer this question. In  
 141 fact, the county 2018 – 2038 PMP and PEIR need to answer many questions. A few are as  
 142 follows:

143  
 144 1. County General Plan

- 145  
 146 a. Does county claim its GP and GP policies limit Palomar Airport Development?  
 147 If so, what are the specific, existing, relevant GP provisions that say so?  
 148  
 149 b. What is the relationship, if any, of the Palomar Master Plan to the county GP?  
 150 Does county intent to process the PMP as part of county's GP? If so, what  
 151 process will the Board of Supervisors follow? What notices will be given to  
 152 individual residents and businesses near Palomar Airport?  
 153  
 154 c. If county GP policies do not apply to Palomar Airport, does county contend it  
 155 is complying with the State mandate to develop a GP for the area within the  
 156 county?  
 157  
 158 d. Assuming state law does say that counties need not comply with city law (and  
 159 cities need not comply with county law), can the county – in order to avoid the  
 160

175-27  
 cont.

175-28

<sup>4</sup> Generally, charter cities have a greater ability to control development within their city. Once chartered, they only have to comply with a fraction of the general state laws that apply to general cities. Whether Carlsbad or state law will apply in a given case depends on whether a disputed issue involves a so-called "municipal affair" impacting primarily local residents.

- 161 type of legal vacuum noted above – voluntarily submit itself to the laws of a  
 162 city?  
 163  
 164 e. When county (i) asked Carlsbad to annex Palomar so that Palomar Airport  
 165 could receive Carlsbad services, (ii) asked Carlsbad to rezone the Palomar  
 166 Airport site, (iii) asked Carlsbad to issue CUP 172 defining the terms of  
 167 Palomar Airport expansion did Carlsbad and the county essentially enter into a  
 168 contract that is binding unless and until the Board of Supervisors formally  
 169 withdraw from it?  
 170  
 171 f. If county does not intend to comply with the Carlsbad 2015 GP (or if county is  
 172 making the illusory promise that county may comply if and when county  
 173 deems compliance to be in the county interest), why does county in the several  
 174 hundred pages of its 2018 – 2038 repeatedly include City of Carlsbad law as  
 175 part of the applicable “Regulatory Framework” that governs the 16 county  
 176 PMP public infrastructure projects?  
 177  
 178 g. Does the county write a misleading PMP when it lists page after page of  
 179 allegedly applicable Carlsbad laws that county intends to ignore?  
 180  
 181 h. If the county GP (or major parts of it) applies (apply) only to 6 of the 8 county  
 182 airports, is it misleading for the county 2018 – 2038 PMP and PEIR to  
 183 repeatedly refer to county GP policies allegedly governing Palomar Airport?  
 184  
 185 i. Where is the list of county GP policies that do and do not apply to Palomar  
 186 Airport?  
 187  
 188 2. Carlsbad 2015 General Plan Policies  
 189  
 190 a. Which, if any of these, apply to Palomar Airport development?  
 191  
 192 b. Can both Carlsbad GP and county GP policies apply to Palomar Airport  
 193 development?  
 194  
 195 *On-Airport or Off-Airport?*  
 196  
 197 Notice that up until now, the discussion has focused only on development on Palomar Airport  
 198 property. But Palomar operations can impact thousands of people in homes and businesses  
 199 around Palomar airport. Those people live in the city of Carlsbad. And Palomar Airport  
 200 development and operation may interfere with their ability to use their property as they wish.  
 201  
 202 Suppose a landowner within a mile of the Palomar runway approach wants to build a 3-story  
 203 building. Can she?  
 204  
 205 The California legislature addresses this issue in two ways. First, by Government Code §  
 206 65402(b), the legislature says that counties operating airports within cities need to present

175-28  
cont.

175-29

175-30

207 their airport master plan to such cities. Second, by the Public Utilities Code the legislature  
 208 has said that on-airport and off-airport development should be made compatible. How? By a  
 209 two step-process.

210  
 211 First, for San Diego, the SDRAA Airport Land Use Commission (ALUC) writes a plan to  
 212 assure on-airport and off-airport development are compatible. The plan is called a Land Use  
 213 Compatibility Plan. McClellan-Palomar has one, written by the ALUC.

214  
 215 Second, the ALUC then turns to the city in which the airport is located. For Palomar, the  
 216 ALUC turns to Carlsbad. Why? Because the ALUC has no planning or zoning authority in  
 217 the city of Carlsbad or in any other city, such as El Cajon, in which an airport may be located.  
 218 The ALUC then expects Carlsbad to assure that Carlsbad planning and zoning are made  
 219 consistent with Palomar Airport development.<sup>5</sup>

220  
 221 The process and provisions above suggest a simple conclusion. The legislature expected  
 222 county airport owners and cities in which such airports operate to assure that airport  
 223 development would not be undertaken until it was determined to be consistent with the city's  
 224 General Plan and compatible with the ALUC Land Use Compatibility Plan.

175-30  
cont.

#### *Discussion*

#### **Does the County 2018 – 2038 PMP and PEIR Comply with State, Carlsbad, and County Law?**

#### **Preliminary Comment**

**The questions and requests below refer only to county Palomar infrastructure development, not to development by Palomar tenants or other private parties.**

175-31

#### **I. PMP Project Violations of County General Plan Policies**

237  
 238  
 239 **1. Failure 1: County General Plan Non Compliance.** County has failed to prepare,  
 240 circulate for public comment, and adopt a General Plan to explain the planning  
 241 requirements that apply to county facilities within cities including but not limited to the  
 242 policies applicable to Palomar Airport and Gillespie Airport.

175-32

243  
 244 a. **BENDER REQUEST (BR) 1: Explain whether the Palomar Master Plan is**  
 245 **part of the county's General Plan (GP)?**

246  
 247 b. **BR2: Identify the specific county General Plan provisions that will apply to**  
 248 **the PMP projects the specific GP provisions that make those planning**  
 249 **provisions applicable to those projects.**

175-33

<sup>5</sup> The discussion in this paragraph is overly simplified. First, there may in fact be uses near airports, which are incompatible with airport development. But such uses may be "grandfathered in." Second, though cities can disagree with ALUC findings, certain consequences may result.

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290
- c. **BR 3: Identify the specific county GP and Carlsbad GP provisions that apply to county's extension of the Palomar Airport runway.**
  - d. **BR 4: Explain how county GP policies are enforceable when the County General Plan says they apply to unincorporated county areas only.**
  - e. **BR 5: If during a Palomar PMP project an issue arises as to whether a county GP policy applies, who makes that determination? Identify the relevant county GP or other provision that provides guidance on the foregoing question.**
2. **Failure 2: County Zoning Non Compliance.** County has failed to prepare, circulate for public comment, and adopt zoning requirements that apply to county facilities within cities including but not limited to the requirements applicable to Palomar Airport.
- a. **BR 6: Identify the specific County zoning provisions that apply to extending the Palomar Airport runway if Carlsbad zoning does not apply.**
  - b. **BR 7. Does county contend that some Carlsbad zoning provisions apply and others do not as county determines.**
  - c. **BR 8. Who in the county has the authority to answer requests BR 1 to BR 8? Only the Board of Supervisors or county staff? If county staff, who on county staff? If county staff, identify the relevant county rule or policy that allows the designated person to make the determination.**
3. **Failure 3: County CEQA Mitigation Non Compliance.<sup>6</sup>** County claims that when it develops and operates county facilities, it mitigates at least in part, the significant impacts of such facilities by applying the policies throughout its General Plan. However, when county follows neither the policies of its General Plan nor the General Plan policies of the cities in which it operates its facilities, county has failed to adopt enforceable mitigation measures as required by state law.
- a. **BR 9: Identify all the specific mitigation measures that the PMP imposes to assure county's proposed PMP projects are mitigated to the maximum extent feasible.**
  - b. **BR 10: Identify the specific county mechanisms that make the PMP mitigation measures enforceable.**

175-33  
cont.

175-34

175-35

175-36

175-37

<sup>6</sup> County's General Plan discussion of Community Plans states: "Mitigation measures in the EIR are incorporated both as policies in the General Plan and as implementation measures in the Implementation Plan and consequently, the GP, is generally considered to be "self-mitigation." See p. 1-13.

- 291 c. BR 11: Does county content that the Palomar Master Plan is a Community  
 292 Plan within the meaning of the county General Plan? If so, identify the  
 293 county GP provisions that support the county's contention. 175-37  
 294 cont.
- 295 4. Failure 4: County's PMP Projects Violate Many County General Plan Land Use  
 296 Policies. As noted above, county may not plan, locate, improve, and operate its  
 297 facilities, including those at Palomar Airport, in a vacuum. Either county's General  
 298 Plan policies apply to Palomar or Carlsbad General Plan policies apply to Palomar  
 299 or no policies apply. County's current position seems to be that no general plan  
 300 policies apply to Palomar. It is likely that if County adopted a proper countywide  
 301 General Plan and adopted county rather than Carlsbad General Plan policies for  
 302 airports, county would apply those policies it uses for its 6 airports in  
 303 unincorporated areas to all 8 airports.<sup>7</sup> County's PMP violates various county  
 304 General Plan policies as set forth below. 175-38  
 305
- 306 a. County Land Use Goal LU-4. The PMP violates County GP Land Use Goal  
 307 LU-4, which provides: Inter-jurisdictional Coordination. Coordination with  
 308 the plans and activities of other agencies – that relate to issues such as land  
 309 use, community character, transportation, energy, other infrastructure,  
 310 public safety, and resource conservation and management. In 2017  
 311 community residents formed the non-profit group Citizens for a Friendly  
 312 Airport (C4FA). C4FA maintains a community website at C4FA.org. At the  
 313 above-referenced meeting among representatives of Carlsbad, county, and  
 314 C4FA, one thing became clear. Carlsbad residents believe county cannot  
 315 carry out its 2018-2038 PMP projects unless Carlsbad voters first approve  
 316 them. County denies this. A legal disagreement exists. If county opposes a  
 317 vote, it is incumbent on county to file a declaratory relief action so that the  
 318 San Diego Superior Court can decide the rights of the parties. Asking the  
 319 Board of Supervisors to approve the PMP before obtaining such a declaration  
 320 would be inconsistent with County Land Use Goal LU-4. Supporting this  
 321 conclusion is county's broken promise when it adopted its prior PMP, namely  
 322 its 1997-2017 PMP. That PMP promised that if county added new acreage  
 323 for parking at Palomar, county would obtain a vote of the people. Yet in 2004,  
 324 county moved airport parking to three new land parcels, claiming at the time  
 325 that no vote of the people was required. 175-39  
 326
- 327 b. County Land Use Policy LU-6.10: Protection from Hazards. This policy  
 328 "require(s) that development be located and designed to protect property and  
 329 residents from the risks of natural and man-induced hazards." As noted in  
 330 detail in our Part C PMP and PEIR comments, county filled airport canyons  
 331 with trash rather than clean fill dirt so that county could extend the Palomar  
 332 Airport runway. After operating 3 different Palomar landfills for a total of 175-40

<sup>7</sup> As County's General Plan notes, county has formulated Community Plans for specific areas. These plans can tailor the county's overall goals and policies to specific areas based on the characteristics of those areas. Hence, the county plans for its airports in the 6 unincorporated areas provide substantial insight as to the county desires. A properly updated county General Plan could apply the county GP policies to Palomar and Gillespie.



333 14 years, county closed them. Then mismanaged them resulting in several  
 334 underground landfill fires, which burned for over 6-months.  
 335 Mismanagement included allowing county contractors to crush an  
 336 underground storm drain, which county failed to discover until the  
 337 underground Unit 3 fire caused steam to vent from the ground some time  
 338 later. County also failed to include 3-foot thick clay bottom landfill liners.  
 339  
 340 As county's own SCS Engineers October 15, 2013 report amply shows, even if  
 341 county never extended the Palomar runway, an aircraft crash into the 19 acre  
 342 Unit 3 landfill directly adjacent to the Palomar runway east end could cause  
 343 significant safety and environmental problems. Even without such a crash,  
 344 letters from the 2016 and 2017 letters from the Regional Water Quality  
 345 Control Board state that county has failed to meet the water quality  
 346 objectives that the RWQCB imposed on county in 1996. Compounding this  
 347 series of errors, county's 2018 - 2037 PMP proposes extending the runway by  
 348 drilling hundreds of very deep holes through the landfill trash (now likely  
 349 converted to hazardous waste by the fires), which will simply allow garbage  
 350 juice to migrate faster into the ground and ground waters underlying the  
 351 airport." Similarly, by planning to convert Palomar airport from a B-II  
 352 airport handling slower, smaller, less fuel-laden aircraft to a D-III airport  
 353 handling faster, larger, much more fuel-laden aircraft and by planning to  
 354 serve more than 500,000 passengers at Palomar, county violates LU-6.10.  
 355  
 356 c. County's Land Use Policy LU-16.2 Integrity of Waste Management Facilities.  
 357 This policy states county should "Avoid encroachment of incompatible land  
 358 uses upon solid waste facilities in order to minimize or avoid potential conflicts."  
 359 Yet county's PMP proposes (i) extending the Palomar runway on hundreds of  
 360 pilings, each 15 to 40 feet deep, in holes drilled through formerly household  
 361 trash now converted to hazardous material as a result of underground fires  
 362 resulting from negligent county management of the Palomar landfill sites  
 363 even though (ii) county built the landfills without the now common 3-foot clay  
 364 protective bottom liners and even though (iii) the RWQCB advised county in  
 365 2016 and 2017 that county has never met the contaminant objectives in the  
 366 RWQCB Order 96-13 and even though (iv) the county's own consultant, SCS  
 367 Engineers, in its October 15, 2013 report listed the many significant safety  
 368 and environmental hazards that would result from a large aircraft crashing  
 369 into the Palomar Unit 3 landfill, which comprises the runway safety area at  
 370 the end of the Palomar runway. So county's PMP projects violate county LU-  
 371 16.2.  
 372  
 373 BR 12: Explain how county complies with the county GP policies set forth in  
 374 this Item 4.  
 375  
 376 BR 13: *County Compliance with General Plan Land Use Policy 16-2.* Attach to  
 377 the Final PMP and PEIR all documents that County reviewed to assure (aa)  
 378 that county was complying with county General Plan LU Policy 16-2 and (bb)

175-40  
cont.

175-41

175-42

- 379 to assure that placing hundreds of deep piles through the Unit 3 Landfill did  
 380 not interfere with the integrity of the Palomar Unit 3 solid waste landfill  
 381 including its extensive methane gas collection system. 175-42  
 382 cont.  
 383
- 384 **5. Failure 5: County's PMP Projects Violate County General Plan Mobility Policies.**  
 385
- 386 a. *County Mobility Policy M-7.1: Meeting Airport Needs.* This policy states county  
 387 shall "operate and improve airport facilities to meet air transportation needs in a  
 388 manner that adequately considers impacts to environmental resources and  
 389 surrounding communities and to ensure consistency with Airport Land Use  
 390 Compatibility Plans."  
 391
- 392 i. *Excess Existing Capacity.* County's data shows that Palomar already  
 393 has excess capacity and no runway extension is needed. County  
 394 forecasts 208,000 annual operations by 2038. Yet, nearly 20 years ago,  
 395 county handled 286,000 annual operations. Moreover, county's hoped  
 396 for 500,000 new passengers could easily be handled on only 10,000  
 397 aircraft (50 passengers per aircraft), which is only 5% of the predicted  
 398 Palomar flight volume. 175-43  
 399
- 400 ii. *County's "Long Distance" Fallacy 1.* County tried to justify its 2011  
 401 Runway Feasibility Study and its 2018 PMP Study by alleging it  
 402 needed a longer runway to allow existing aircraft to fly internationally.  
 403 County simply assumed – without any historical proof in the record –  
 404 that 40% of future Palomar flights would operate at 90% load rather  
 405 than 60% load. Yet the recently retired Airport Director said in  
 406 December 2017 that he was only familiar with one aircraft per week  
 407 that had to use Lindbergh to take on more fuel to fly to China.  
 408
- 409 iii. *County's "Long Distance" Fallacy 2.* County's 2018 - 2038 PMP  
 410 proposes relocating the runway 120 feet north and extending it from  
 411 5100 feet (after a first runway extension of 200-feet) to 5700 feet more  
 412 than 15 years from now. County has made no showing that 40% of  
 413 aircraft wishing to fly internationally could in fact take on a 90%  
 414 rather than 60% load with a 5100 foot runway, only 200 feet longer  
 415 than the current 4900 foot runway.  
 416
- 417 b. BR 14: Attach to the final PMP and PEIR (i) the county analysis showing  
 418 that county has complied with Mobility Policy M-7.1.) 175-44  
 419
- 420 **6. Failure 6: County's PMP Projects Violate County General Plan Open Space**  
 421 **Requirements.**  
 422
- 423 a. *County PMP Projects Violate Conservation of open Space (COS) Policy 11-1.*  
 424 *This policy requires the protection of scenic highways and landscapes.* Carlsbad 175-45



425 has designated Palomar Airport Road and El Camino Real as scenic corridors.  
 426 County has refused to install permanent landscaping along the Palomar Airport  
 427 perimeters both west of ECR and east of ECR. East of ECR has no landfills but is  
 428 airport owned property essential to airport uses. County's PMP fails to require the  
 429 necessary landscaping. Such landscaping would both meet Carlsbad's scenic  
 430 corridor requirement and also help to mitigate the adverse air quality impacts from  
 431 airport landfills, which periodically allow the escape of methane gas into the air.  
 432

175-45  
cont.

433 b. *County PMP Projects Violate COS 11.4: Coordination with Carlsbad for Scenic*  
 434 *Highway Protection.* COS 11.4 requires the county to coordinate with  
 435 jurisdictions impacted by its projects. Carlsbad has long complained to county  
 436 about county's failure to properly landscape the Palomar Airport perimeter slopes.  
 437 County cannot in good faith claim it is protecting the scenic highways along  
 438 Palomar Airport when county has had 35 years to correct the ugly slopes it  
 439 maintains at Palomar for at least 60% of the year.  
 440

441 c. **BR 15:** The burden of proof is on county to show that it cannot comply with  
 442 Carlsbad scenic landscape requirements along the airport perimeter. Explain why  
 443 county in 35 years has attractively landscaped the Palomar northwest and northeast  
 444 ECR and PAR. Identify in the county 2018 -2038 PMP and PEIR the provisions  
 445 that assure Carlsbad and the public that county will solve this problem within a  
 446 very short timeframe or pay Carlsbad a sufficient sum to take some measures itself  
 447 to correct the problem.  
 448

175-46

449 **7. Failure 7: County's PMP Projects Violate County General Plan Safety**  
 450 **Requirements.**  
 451

452 a. **County PMP Projects Violate County General Plan Safety Policy S-11.1:**  
 453 **Hazardous Material Storage.** This policy requires that "land uses, involving the  
 454 storage, transfer, or processing of hazardous materials be located and designed to  
 455 minimize risk and comply with all applicable hazardous materials regulations."  
 456

457 i. *Palomar Airport 1 Million Cubic Yards of "Household" Waste.* Carlsbad  
 458 says that county dumped about 1 million cubic yards of waste in the  
 459 County Unit 1 and Unit 2 landfills adjoining the southern Palomar runway  
 460 border and the 19-acre Unit 3 landfill adjoining the runway east end.  
 461

175-47

462 ii. *Palomar Airport Hazardous Waste.* In the last 15 years, county has had  
 463 several underground Palomar landfill fires including the one in Unit 3,  
 464 which burned for about 6 months. Various governmental entities report that  
 465 burning household waste including plastics, Styrofoam, hundreds of  
 466 thousands of batteries, and common building remodeling materials convert  
 467 inert waste to hazardous waste.  
 468

469 iii. *Palomar Methane Gas Collection System.* Decomposing landfills naturally  
 470 create methane gas even if no hazardous materials were present. County

471 has constructed an extensive network of methane gas plastic piping through  
 472 the landfills to collect such gas. Such plastic pipes in the vicinity of the  
 473 fire would have burned and concurrently created defects in the collection  
 474 system.

475

476 iv. *RWQCB 2016 & 2017 Noncompliance Letters.* By Order 96-13, the  
 477 RWQCB required county to meet certain water quality objectives for  
 478 multiple Palomar landfill contaminants. As shown by county's 2016  
 479 landfill monitoring report, county continues to report those contaminants

480

481 v. *County Burden.* Given the above information, it is county's PMP and EIR  
 482 burden to show how (aa) the Palomar underground fires affected the  
 483 dumped trash and methane collection piping system and (bb) the migration  
 484 of likely hazardous garbage juice if pilings are augured through the trash,  
 485 and (cc) the damage to the remaining methane collection system if holes  
 486 are drilled through the landfill.

487

488 vi. *County's Runway Extension Piling Drilling Program.* County proposes to  
 489 extend the runway eastward by drilling hundreds of holes to support pilings  
 490 each 15 feet to 40 feet deep, which in turn will support grade beams  
 491 supporting the runway extension.

492

493 vii. *County's Proposed Runway Relocation 120 Feet North.* Similarly,  
 494 county's proposal to relocate the entire runway about 120 feet north and  
 495 again extend the runway risks further safety and environmental problems  
 496 as the Unit 3 19-acre landfill fills the entire area to the east of the runway.

497

498 viii. *Threat to Ground and Ground Waters and Air Quality.* For the above  
 499 reasons, county's proposed Palomar runway projects pose a significant risk  
 500 to the ground and ground waters in the Palomar Airport vicinity. Similarly,  
 501 digging up and/or destroying many acres of the Unit 3 landfill to extend the  
 502 runway will leave the decaying trash without an efficient and pervasive  
 503 methane gas collection system during project construction, thus damaging  
 504 the air quality as methane vents into the air.

505

506 ix. *Threats from Aircraft Crashing into the Unit 3 Landfill.* County's PMP  
 507 says county wants to convert Palomar from its current FAA-rated B-II  
 508 status to a "Modified C/D" status.

509

510 1. *Small v. Large Aircraft Risks.* According to Conditional Use  
 511 Permit 172 that county requested and accepted from Carlsbad,  
 512 county is supposed to operate as a "general aviation basic transport"  
 513 airport.<sup>8</sup> Recreational general aviation aircraft typically weigh less  
 514 than 12,500 pounds. Corporate aircraft using Palomar, with few  
 515 exceptions, have weighed less than 60,000 pounds. Small aircraft

<sup>8</sup> CUP 172, Condition 11.

175-47  
cont.

516 also fly at lower speeds and carry significantly less fuel than C and  
 517 D aircraft. Small aircraft and corporate jets typically carry  
 518 few people.  
 519

- 520 2. *Crashes of Large Aircraft into the Palomar Unit 3 Landfill Create*  
 521 *Significant Safety Risks to the Landfill and to Passengers Aboard*  
 522 *the Aircraft.* The county's October 2013 SCS Engineers report  
 523 entitled "*Evaluation of Possible Environmental Impacts of a*  
 524 *Potential Aircraft Crash into the Landfill Cover at Palomar Airport*  
 525 *Landfill, Carlsbad, California-* lists in detail the many significant  
 526 risks that large aircraft crashing into a methane gas collecting  
 527 landfill can cause.  
 528

529 Converting Palomar to a "modified C/D" airport greatly increases  
 530 risk in three ways. First, such larger aircraft carry significant  
 531 hazardous materials in the aircraft airframe in addition to much  
 532 larger quantities of aviation fuel. Second these aircraft travel at  
 533 much faster speeds. Newton's law tells us that very heavy objects  
 534 travelling at very fast speeds create very deep impacts. At Palomar,  
 535 an impact that can easily damage the methane collection system just  
 536 4 to 7 feet below the soil surface. Third, county's PMP says county  
 537 anticipates handling 500,000 passengers annually on larger aircraft  
 538 in the future rather than the current 50,000 on smaller aircraft.  
 539 County's PMP EIR fails to analyze these issues. In fact, county's  
 540 EIR totally ignores the above noted SCS Engineers report despite  
 541 the fact that we on multiple occasions in the last three years have  
 542 asked county to address the issue – including in our extensive PMP  
 543 EIR scoping comments about a year ago.  
 544

- 545 x. *Landfill Discussion Absent from County 2010 Multi-Jurisdictional Hazard*  
 546 *Mitigation Plan.* San Diego County in 2010 released a 686-page report  
 547 entitled "*Multi-Jurisdictional hazard Mitigation Plan.*" On the title page,  
 548 the report says Carlsbad is included as a Participating Jurisdiction.  
 549 Separate searches for the words "McClellan" and "landfill" produced no  
 550 results. Thus County has failed to implement State-required General Plan  
 551 elements for managing sites contaminated with hazardous materials.  
 552

- 553 b. **County PMP Projects Violate County General Plan Safety Policy S-11.4:**  
 554 **Contaminated Lands.** This policy requires "*area of known or suspected*  
 555 *contamination to be assessed prior to reuse. The reuse shall be in a manner that*  
 556 *is compatible with the nature of the contamination and subsequent remediation*  
 557 *efforts.*"  
 558

- 559 c. **BR 16. Explain in county's PMP and PEIR how county is complying with the**  
 560 **county General Plan Safety policies noted above.**  
 561

175-47  
cont.

175-48

175-49

II. PMP Project Violations of City of Carlsbad  
2015-2035 General Plan Policies

As noted above, in 1980 county requested Carlsbad to rezone the Palomar Airport property and to issue Carlsbad Conditional Use Permit (CUP) 172 setting the conditions which governed county's operation of Palomar Airport. Part I above lists the county General Plan policies, which county's 2017-2037 Palomar Master Plan (PMP) violate. This Part II lists the Carlsbad General Plan policies, which the PMP violates. Because county staff has said in recent meetings and in its 2018 – 2038 PMP and PEIR that it will comply with Carlsbad laws only when and if county chooses to do so, the below discussion does not list all Carlsbad 2015 GP policies that apply to Palomar Airport development.

175-50

Preliminarily, note that county in 1997 adopted its 1997-2037 Palomar Master Plan. As a result, the San Diego Regional Airport Authority Airport Land Use Commission (ALUC) as required by state law, updated the Palomar Land Use Compatibility Plan to assure that development in areas surrounding Palomar Airport were compatible with airport operations. Carlsbad accepted this updated Compatibility Land Use Plan and also updated its Carlsbad General Plan to assure consistency with Palomar Airport operations. In other words, county's adoption of its 1997-2037 PMP triggered amendments to then existing Carlsbad General Plan. Similarly, county's adoption of its 2018- 2038 PMP will also trigger an updated Land Use Compatibility Plan and updated Carlsbad General Plan.

8. Failure 8: County's PMP Projects Violate Carlsbad General Plan Land Use Policies.

a. *Violation of Carlsbad Land Use Policy 2-P.1.* The policy requires that projects "maintain consistency between the General Plan and Title 21 of the Carlsbad Municipal Code (Zoning Ordinance).

i. *Carlsbad MC § 21.53.015.* This section allows Carlsbad voters to vote on whether county should expand Palomar Airport if the Airport is expanded and Carlsbad legislative action is required.

175-51

1. *PMP Expansion.* As noted in the first few pages of our Part A comments, Palomar runway extensions are Palomar expansions.

2. *Carlsbad Legislative Act.* County's PMP adoption will require Carlsbad to take two legislative actions. First, the Carlsbad Council will have to act on the updated Airport Land Use

608 Compatibility Plan that the PMP will trigger with the SDRAA  
 609 ALUC. Second, Carlsbad will have to update its 2015 Carlsbad  
 610 General Plan to address the land use, mobility, safety, and noise  
 611 issues triggered by county's proposed 2018 -2038 projects.  
 612 Carlsbad in the last decade has updated its General Plan as a  
 613 result of Palomar Airport operational and development  
 614 changes.

616 ii. *Carlsbad CUP 172: County Runway Extension Requires Carlsbad*  
 617 *Discretionary Approvals.*

- 619 1. *CUP 172 Table 1 Projects.* In 1980, county requested and  
 620 accepted CUP 172, the document that explains what  
 621 improvements county may undertake at Palomar without  
 622 Carlsbad action. CUP 172 Table 1 lists these projects. Runway  
 623 extensions are not included in the project list. In fact, county  
 624 prepared the original Table 1 and included runway extensions  
 625 as projects it could undertake without Carlsbad action.  
 626 Carlsbad deleted the runway extension from the list. Moreover,  
 627 in 1997 – when county was processing its 1997-2017 PMP,  
 628 county again prepared a revised CUP 172 Table 1 to include  
 629 runway extensions.<sup>9</sup> Carlsbad did not accept county's table and  
 630 took no action to add county's changes.

- 632 2. *CUP 172 Condition 8 requires Carlsbad Planning Commission*  
 633 *approval for airport extensions.* But the adoption of CUP 172  
 634 was a Carlsbad City Council legislative act, and its amendment  
 635 to allow county projects not covered by CUP 172 requires a  
 636 City Council legislative act.

638 iii. BR 17. Explain in the PMP and PEIR how and why county disagrees  
 639 with the foregoing analysis.

- 641 b. *Violation of Carlsbad Land Use Policy 2-P.27: Limit Transportation Intensive*  
 642 *Development.* This policy states: "*Limit general industrial development within*  
 643 *the community to those areas and uses with adequate transportation access.*  
 644 *These areas should be compatible with surround land uses including residential*  
 645 *neighborhoods.*"

- 647 i. The 2015 Carlsbad General Plan says traffic on Palomar Airport Road  
 648 and El Camino Real along Palomar Airport at peak periods are near  
 649 gridlock, namely LOS D and E.

175-51  
cont.

175-52

175-53

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9

- 651           ii. Concededly, county cannot limit an increase of aircraft flights and  
652           passengers handled at Palomar at the existing facilities. Palomar now  
653           has substantial excess capacity without modifying the runway. In  
654           1999, Palomar handled 286,000 flights compared to the 2017 level of  
655           about 155,000 flights.  
656
- 657           iii. However, the FAA recognizes that local authorities, not the FAA,  
658           decide whether airports should be expanded.  
659
- 660           iv. The county PMP plans projects, which will materially increase traffic  
661           loads on the already gridlocked PAR and ECR. These projects are  
662           elevating Palomar from its now B-II status to a modified C/D status to  
663           handle larger, more passenger intensive aircraft; extending the  
664           runway; and relocating the runway 120 feet to the north to create a  
665           larger buildable airport footprint and eliminate parking used by small  
666           recreational flyers.  
667
- 668                   1. County projects future passenger levels at 500,000 or more  
669                   rather than 50,000.<sup>10</sup> Each trip generates 2.6 vehicle trips per  
670                   county's PEIR and hence 1,600,000 more trips on PAR and  
671                   ECR, already having an LOS F load. Moreover, as we point  
672                   out in our Part C comments, county ignores the non-air carrier  
673                   people using Palomar. So persons in general aviation aircraft,  
674                   corporate aircraft, chartered aircraft, and helicopters are not  
675                   counted. So Palomar induced traffic trips in reality exceed  
676                   2,000,000 annually.  
677
- 678                   2. Moreover, only up to 20,000 flights of Palomar's current  
679                   155,000 flights are by C/D aircraft. County's plan to convert  
680                   Palomar to a "modified C'D" airport means that county plans  
681                   to displace the recreational flyers whose aircraft are parked on  
682                   the north terminal, which area will be displaced by the  
683                   relocated runway.  
684
- 685                   3. As a result instead of having 10% to 15% of flights being C/D  
686                   flights, it is likely that more than half of the flights will be C/D  
687                   aircraft.  
688
- 689           v. County and Carlsbad in the last decade have repeatedly indicated  
690           their opposition to Carlsbad voters voting on airport expansion.  
691
- 692           vi. The county's 2018 – 2038 PMP and PMP EIR similarly recognize no  
693           role for a Carlsbad community vote.  
694

175-53  
cont.

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10

695	vii. With or without a vote, the county's planned PMP projects violate	↑	175-53
696	Carlsbad policy 2-P.27		cont.
697			
698	viii. BR 18. Explain in the PMP and PEIR how county is complying with		
699	Carlsbad Land Use Policy 2-P.27.		175-54
700			
701			
702	c. <i>Violation of Carlsbad Policy 2-P.39: Airport Expansion and Carlsbad Action on</i>		
703	<i>Updated SDRAA Palomar Airport Land Use Plan and Updated Carlsbad</i>		
704	<i>General Plan.</i>		
705			
706	i. Carlsbad's actions over the last decade make clear that the county and		
707	Carlsbad city council does not intend to seek a vote of Carlsbad		
708	residents before (aa) acting on county's 2017-2037 PMP, (bb) acting on		175-55
709	the SDRAA ALUC new CLUP triggered by the PMP, or (cc) updating		
710	the Carlsbad 2015 General Plan to assure compatibility of the county		
711	2017-2037 with the Carlsbad 2015 General Plan.		
712			
713	ii. Such lack of a vote violates Carlsbad MC § 21.53.015 and Carlsbad		
714	2015 General Plan Policy 2-P.39.		
715			
716	iii. BR 19. Explain how the county PMP and PEIR complies with		
717	Carlsbad Land Use Policy 2-P.39.		
718			
719			
720	9. <u>Failure 9: County's PMP Projects Violate Carlsbad General Plan Air Quality</u>		
721	<u>Policies.</u>		
722			
723	a. <u>Violation of Carlsbad Air Quality 4-P.52, 4-P.55, and 4-P.56: These policies</u>		
724	<u>require county to participate in transportation demand management</u>		175-56
725	<u>programs on a regional basis and to cooperate with APCD and the ARB to</u>		
726	<u>improve air quality issues associated with Palmar Airport and to minimize air</u>		
727	<u>quality grading impacts. County's 2018 – 2038 PMP and PMP EIR do not do</u>		
728	<u>this.</u>		
729			
730	i. <u>Leaded Small Aircraft Aviation Fuel.</u> In November 2017, I visited		
731	Palomar Airport for a tour of the airport provided by the Palomar		
732	Operational staff. The tour included drives past the aviation storage		175-57
733	facilities. County's PMP does not discuss the issue including when lead		
734	will be banned from aviation fuel for smaller aircraft. Nor does		
735	county discuss what air quality mitigation measures county is		
736	committing to lessen the impacts.		
737			
738	ii. <u>Palomar Airport Runway Extension: Methane Gas Emissions.</u>		
739	County's PMP and its consultant say that to extend the runway, very		
740	large construction equipment will operate over the runway east end	↓	



741 Unit 3, 19-acre, closed landfill. The Palomar Unit 3 plastic methane  
 742 collection piping lies 4 to 7 feet below the Unit 3 surface. At a county  
 743 workshop, the county consultant stated that the collection system  
 744 would have to be removed to avoid destruction by the many heavy  
 745 construction units working on site. Accordingly, during the entire  
 746 runway extension construction time, landfill methane gas will likely  
 747 vent into the air at increased rates, especially has hundreds of deep  
 748 holes are drilled through the landfill. County fails to discuss how  
 749 much venting, the consequences, or what mitigation measures county  
 750 will take to compensate for the venting.

175-57  
cont.

751  
 752 iii. San Diego Air Basin Air Quality Ozone and Particulate Nonattainment  
 753 Area. As Carlsbad's 2015 General Plan notes, Carlsbad (as part of the  
 754 SD air basin), is a nonattainment area under state law for ozone and  
 755 particulate matter. Accordingly, by definition, all airport air quality  
 756 emissions contributing to ozone and particulates have a significant  
 757 impact.

758  
 759 b. BR 20. Explain in the PMP how the county PMP projects comply with  
 760 *Carlsbad Air Quality 4-P.52, 4-P.55, and 4-P.56 General Plan Policies.*

175-58

761  
 762 **10. Failure 10: County's PMP Projects Violate Carlsbad General Plan Water Quality**  
 763 **Policies.**

764  
 765 a. *Violation of Carlsbad Water Quality Policy 4-P.57 and 4-P.58: Meeting RWQCB*  
 766 *Standards.* This policy requires projects to meet regulatory requirements  
 767 including RWQCB standards.

768  
 769 i. *Present Long Term Violations.* Policy 4-P.57 requires county to work  
 770 with the RWQCB to solve airport-created problems. The county does  
 771 not meet RWQCB standards presently, even before implementing the  
 772 201-2038 Projects. As RWQCB advised county in 2016 and 2017  
 773 county continuously reports Palomar landfill contaminant levels  
 774 exceeding the RWQCB 96-13 Order objectives. Moreover, the  
 775 exceedances are quite large. In the range of 200% to 1400% in excess  
 776 of the RWQCB objectives. County has consistently failed and refused  
 777 to provide RWQCB a plan to meet the objectives.

175-59

778  
 779 b. *PMP Project RWQCB Violations.* Policy 4-P.58 requires county developments  
 780 *to incorporate structural and non-structural best management practices (BMPs)*  
 781 *to mitigate increase in pollution loads.* Drilling hundreds of holes, each 15 to 40  
 782 feet deep, through the Palomar Unit 3 landfill to place pilings to support a  
 783 runway extension will create thousands of feet of migration pathways to allow  
 784 garbage juice – quite likely converted to hazardous materials by the 6-month  
 785 Unit 3 underground fire – to the ground and ground waters. County's 2018 –  
 786 2038 PMP identifies no best management practices to handle the problem



- 787 county would create by the runway extension, especially since county built the  
 788 Unit 3 landfill without the now standard 3-foot clay bottom liner. 175-59  
 789 cont.
- 790 c. BR 21. Explain how the county PMP projects comply with Carlsbad General  
 791 Plan Water Quality Policy 4-P.57 and 4-P.58. 175-60
- 792
- 793
- 794 **11. Failure 11: County's PMP Projects Violate Carlsbad General Plan Noise Policies.**
- 795
- 796 a. *Violation of Carlsbad Noise Policy 5-P.2: Required Noise Analysis.* This policy  
 797 "require(s) a noise analysis be conducted for all discretionary development  
 798 proposals ... located where projected noise exposure would be other than  
 799 "normally acceptable."  
 800
- 801 i. *County 2018 – 2038 PMP Deficiencies.*
- 802
- 803 1. *1100 Mobile Homes on Palomar Runway Extension Approach.*  
 804 The city of San Marcos adjoins Carlsbad on the east. As San  
 805 Marcos Mayor Jim Desmond noted in his comments, about  
 806 1100 mobile homes lie within a few miles of the approach to  
 807 Palomar Airport runway. Notably, mobile homes commonly  
 808 have far less noise resistance because building standards may  
 809 not apply to them.
- 810
- 811 2. *County's 2018 – 2038 General Plan and GP EIR have presented*  
 812 *no noise analysis to show the impact of extending the Palomar*  
 813 *runway to the east.* By project design, such extension will bring  
 814 landing aircraft over the mobile homes sooner and lower. 175-61  
 815 County does not explain the impact. Moreover, the California  
 816 court has held in *Berkeley Jets Over the Bay* that a proper noise  
 817 analysis must discuss how Single Noise Events (SNEL) impact  
 818 the community. County's PMP does not do this.
- 819
- 820 b. *Violation of Carlsbad Noise Policy 5-P.14: Fly Friendly Program and Policy 5-*  
 821 *P.15: Regulation of Noise.* This policy states Carlsbad and county will inform  
 822 Palomar Airport policies of measures they may voluntarily take to reduce  
 823 airport noise.
- 824
- 825 i. *Fly Friendly Program Violations.* Carlsbad and Vista residents report  
 826 that pilots frequently violate the "Fly Friendly" program by flying  
 827 after 10 p.m. and before 7 a.m. Usually, the violations occur by  
 828 corporate jets willing to accommodate their clients schedule rather  
 829 than community noise concerns.
- 830
- 831 ii. *Airport Noise Capacity Act of 1990.* County has previously said that it  
 832 may not impose mandatory limitations on aircraft because the Airport

- 833 Noise Capacity Act (ANCA) allows limitations only when limitations  
 834 existed before. As an ANCA observation, relevant to discussion below,  
 835 ANCA refers both to airport noise limitations and to access limitations  
 836 in place before 1990.  
 837  
 838 iii. **County Pre-1990 Palomar Noise Limitations.** County imposed various  
 839 Palomar Airport noise limitations long before 1990.<sup>11</sup>  
 840  
 841 iv. **Carlsbad Conditional Use Permit 172 Condition 11 Palomar Access**  
 842 **Restriction to Aircraft for “Basic Transport General Aviation.”**  
 843 Carlsbad Palomar access limits date to 1979, recognizing that overall  
 844 General Aviation aircraft create less offensive noise than other  
 845 aircraft.  
 846  
 847 v. **Future ANCA Allowed Restrictions.** Based on the foregoing  
 848 information, county PMP noise discussions need to discuss the  
 849 feasibility of imposing mandatory restrictions on aircraft using  
 850 Palomar. No doubt the FAA may have a say, but that say does not  
 851 excuse county from discussing possible noise mitigation measures.  
 852  
 853 c. **Violation of Carlsbad Noise Policy 5-P.15: Controlling Noise as Allowed by**  
 854 **FAA.** In 2006 – after county participated with the FAA in a “Part 150 Noise  
 855 Study,” county agreed to implement various noise restriction measures at  
 856 Palomar.<sup>12</sup> County’s 2018 – 2038 PMP provides no analysis of these noise

175-61  
cont.

<sup>11</sup> For instance, one county Board of Supervisor limitation provided as follows:

**County’s Tuesday, March 13, 1979 “RESOLUTION REVISING RULES AND REGULATIONS FOR COUNTY AIRPORTS” STATED:**

WHEREAS, this Board has determined that training flights at County airports by aircraft types that exceed acceptable noise levels should be prohibited; and  
 WHEREAS, there is presented to this Board a letter from the Director of Transportation transmitting and recommending approval and adoption of revised rules and regulations for all County airports; and  
 WHEREAS, Part IV, Noise Abatement has been added to said revised rules and regulations to prohibit aircraft with FAA measured or estimated sideline noise levels exceeding an Effective Perceived Noise Level (EPNdb) of 90 db from conducting training flights at Gillespie Field, Palomar Airport, Ramona Airport, and Borrego Valley airports and said rules have been generally updated: NOW THEREFORE  
 IT IS REVOLVED AND ORDERED that said revised rules and regulations for all County airports be and they are hereby approved and adopted.  
 IT IS FURTHER RESOLVED AND ORDERED that said revised rules and regulations supersede and replace any and all preexisting rules and regulations for County airports.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Diego, State of California, this 13<sup>th</sup> day of March, 1979 by the following vote: Supervisors Hamilton, Hedgecock an Eckert [Moore and Bates absent]

<sup>12</sup> The FAA recognized that local airport sponsor’s have the discretion “to develop or not develop airport facilities to serve larger aircraft and to make known to pilots the physical limitations of the airfield.” See P. 11-21 and § 11.2.12, Vol. 1 of the McClellan-Palomar Airport FAR PART 150 STUDY UPATE, Noise Compatibility Program Version 6 prepared by URS and approved by the FAA on December 5, 2006.

857 restriction measures and the county's compliance with them. The Palomar  
858 2006 Part 150 Noise Study lists operational measures considered in Table 11-  
859 1. Moreover, the Table indicates 4 measures [OM-1 re: traffic pattern  
860 altitudes, OM-5 re jet standard instrument departure, OM-9 re helicopter  
861 altitudes, and OM-12 re maximum aircraft weight of 60,000 pounds], which  
862 the FAA either took no action on or disapproved because county failed to  
863 provide sufficient data. County's 2018 – 2038 PMP provides no information  
864 as to these items. County may not claim it has fully explored and explained  
865 Palomar noise assessment and mitigation measures when it does not even  
866 provide evidence that it is complying with its existing FAA Part 150 noise  
867 measures.

↑  
I75-61  
cont.

- 868  
869 d. **BR 22.** Explain in the PMP how county has made its best efforts to comply  
870 with Carlsbad Noise Policy 5-P.2: Required Noise Analysis and Carlsbad  
871 Noise Policy 5-P.14: Fly Friendly Program and Carlsbad Noise Policy 5-P.15:  
872 Controlling Noise as Allowed by FAA.

↓  
I75-62

873  
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876 **End of Bender Part A**  
877 **Comments on County Compliance with**  
878 **California, Carlsbad, and County Planning Requirements**  
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901 2018 March 18 Bender Part A PMP and PEIR Comments FINAL  
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Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

1 **Part B**  
 2 **Comments on County Eligibility for FAA Airport Program Improvement Grants**  
 3 **[County PMP and PEIR Alternative Evaluation Criteria #8]**  
 4

5  
 6 **Executive Summary**  
 7

8 The County of San Diego 2018 – 2038 McClellan-Palomar Airport (Palomar or  
 9 CRQ) Master Plan (PMP) proposes projects with a total estimated cost of \$98 million to  
 10 \$110 over 20 years (in 2016 dollars).<sup>1</sup> The main project is an extraordinarily expensive  
 11 800-foot runway extension over a 19-acre methane-emitting closed landfill, which the  
 12 county created at the Airport in the 1960s and 1970s, quite possibly without FAA  
 13 approval. Construction increments may involve an initial 200-foot extension and later  
 14 600-foot extension or one 800-foot extension if the runway has first been relocated north  
 15 about 120 feet.  
 16

17 The closed landfill had a more than 6-month underground fire in the 2000s.  
 18 County's runway extension proposal would sink several hundred pilings, each 15 feet to  
 19 40 feet in depth, through this liner less landfill to reach bearing soils under the landfill to  
 20 support the runway extension deck.  
 21

22 County may seek Airport Improvement Program (AIP) grants of up to 90% of  
 23 these costs. But county must show its projects comply with the FAA AIP Handbook,  
 24 Benefit Cost Manual, and Airport Design Manual. At a county PMP Workshop, county  
 25 said it prepared the PMP to qualify for FAA grants.  
 26

27 In 2010, the federal government enacted the Improper Payments Elimination and  
 28 Recovery Act (IPERA). The government mandated the Office of Management and  
 29 Budget (OMB) and General Accountability Office (GAO) and – as to Department of  
 30 Transportation (DOT) grants (including FAA grants) – the DOT Inspector General with  
 31 enforcing federal criteria.  
 32

33 After Hurricane Sandy, an OMB study showed that one DOT agency had failed to  
 34 properly document key grant requirements for many grants awarded. County's 2018 -  
 35 2038 PMP projects also fail many FAA grant requirements. Questions the FAA DOT  
 36 Inspector General, OMB, and GAO need to ask to determine the FAA's compliance with  
 37 IPERA at Palomar Airport include those below.  
 38

- 39 1. *Handbook Justification Failure.* Why would the FAA fund a Palomar 200-foot  
 40 runway extension within a few years when (i) Palomar operates at very substantial  
 41 under capacity on a runway rebuilt with FAA funds 9 years ago,  
 42 (ii) county wants to tear up that runway and more than \$30 million of additions to it  
 43 (a \$25 million west end EMAS and \$5 million plus 200-foot east end runway  
 44 extension, partly over a closed landfill) within 15 years to build a new runway with  
 45 both west end and east end EMASs?

<sup>1</sup> PMP page ES-11.

175-63

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

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2. *Handbook Intergovernmental Cooperation Failure.* Why would the FAA grant monies for a Palomar runway extension when: (i) County over a 20-year period has failed to meet RWQCB Palomar water quality objectives, (ii) County created three very large Palomar landfills hostile to aircraft operations, apparently without ever seeking written FAA approval contrary to the standard FAA grant conditions; (iii) County seeks new FAA grants for runway extensions and a relocation that will increase the airport safety and environmental risks as documented by county's own consultant, October 2013 SCS Engineers report; (iv) County agreed to operate the airport in compliance with Carlsbad planning and zoning law including CUP 172 but does not; (v) California Government Code § 65402(b) and 49 USC § 47106 independently require county to consult with the Carlsbad City Council to resolve the airport expansion concerns noted above but county does not; (vi) County has a history of failing to cooperate with Carlsbad, the city housing Palomar Airport, as illustrated by county in 1997 applying for a Carlsbad City Council hearing for its 1997-2017 PMP but later withdrawing the application; and (vii) County's actions may deny Carlsbad residents the ability to vote on the proposed Palomar airport expansion as Carlsbad MC § 21.53.015 seems to require and also frustrate the purposes of 49 USC § 47106.
  3. *FAA Handbook Environmental Failure.* As to extending the Palomar runway eastward, (i) Where is the exact west Unit 3 landfill border, which county records suggest bisects the Palomar runway east end blast pad? (ii) How much of a runway extension can be built on stable soil and how much on pilings augured through the landfill? (iii) How much of Palomar's existing landfill methane collection system will be destroyed and replaced and what air quality impacts will be caused? (4) Where does the PMP EIR discuss all the issues raised by the county consultant SCS Engineers October 2013 report? and (5) What problems will auguring hundreds of long piles through the Unit 3 liner less landfill cause to water quality?
  4. *FAA Handbook Project Allowability Failure.* For county to show the 2018-2038 PMP projects are "allowable," the Handbook requires the county show the projects are necessary and reasonable in cost. What detailed PMP evidence exists to show runway extensions and relocations are needed when Palomar (1) is underutilized today and the county PMP forecasts that by 2038 Palomar will handle 30% fewer flights than Palomar handled in the 1990s; (2) county presented no credible evidence of a need to encourage international flights from Palomar; and (3) Palomar's 500,000 added passengers could be served on as few as 10,000 flights? How can FAA consider the county's projected cost reasonable when the costs are underestimated and even then 10 times normal as a result of county placing nearly 1 million cubic yards of decaying, methane-emitting trash, which results in the need for deep pile supported runway extensions?
  5. *FAA Handbook Improvement Amortization Failure.* County's proposal to extend the runway in the short term and relocate the entire runway within 20 years violates

175-63  
cont.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

- 91 the FAA 20-year rule, which requires the proposed newly constructed west end  
92 EMAS and runway extension to be amortized over 20 years.  
93
- 94 6. BCA Manual Revenue Calculation Failure #1: County Miscalculates its projected  
95 increased revenues from extending the runway by ignoring the fact that alleged new  
96 Palomar revenues will simply be transfers from San Diego International Airport 30  
97 miles to the south.  
98
- 99 7. BCA Manual Revenue Calculation Failure #2: County miscalculated its Revenues  
100 by ignoring revenue offsets caused by the three Palomar landfill revenue losses.  
101
- 102 8. BCA Manual Calculation Failure #3: County improperly excluded EMAS costs  
103 from its runway extension costs. Due to Palomar land footprint limitations,  
104 Palomar cannot satisfy FAA Airport Runway Safety Area 1000-foot length  
105 requirements unless it substitutes 2 EMAS systems. In other words, Palomar  
106 capacity increases depend on the EMAS systems being installed. Hence, the  
107 EMAS are capacity elements, not safety elements.  
108
- 109 9. BCA Manual Failure #4. County violated the prior FAA Grant Assurances by  
110 using airport property for non-airport uses, namely dumping nearly 1 million cubic  
111 yards of trash, which created structurally unsound ground. County fails to explain  
112 why other grant applicants applying for more meritorious projects will lose  
113 requested funds because Palomar needs extraordinary funding levels due to its own  
114 misconduct.  
115
- 116 10. BCA Manual Failure 5: County's PMP underestimates PMP project costs. County  
117 fails to fully explain its runway extension piling requirement costs including the  
118 present costs of removing landfill contaminated soil when more than 200 very deep  
119 drilling holes are made.  
120
- 121 11. BCA Manual Failure 6: County's PMP and BCA estimates do not disclose how  
122 annual landfill maintenance costs will be handled over the 20-year project life.  
123 Once county (i) uses the landfill to support its runway extension and (ii) increases  
124 future environmental risks and clean up resulting from operations, County Airports  
125 and not County Landfill Management should bear the cost of annual landfill  
126 monitoring requirements. These costs are substantial.  
127
- 128 12. BCA Manual Failure 7: County's 2011 Runway Feasibility Study and 2018 PMP  
129 Fail to Provide a Meaningful "Sensitivity" Analysis to Support the Project  
130 Revenues and Costs it Forecasts and the Accuracy of the Resulting BCA Ratio  
131 Calculated.  
132
- 133 **Detailed Reasons Showing County PMP and PMP EIR Failure to Comply with FAA**  
134 **Airport Improvement Handbook, FAA Benefit Cost Manual, and FAA Airport**  
135 **Design Manual**  
136

175-63  
cont.

175-64



Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

137 The County of San Diego 2018-2038 McClellan-Palomar Airport [CRQ] Master  
138 Plan (PMP) – except possibly for the proposed west end runway EMAS - does not propose  
139 projects qualifying for FAA Airport Improvement (AIP) grants. Awarding such grants  
140 would violate the federal Improper Payments Elimination and Recovery Act<sup>2</sup> (IPERA).  
141 IPERA requires the federal Office of Management and Budget (OMB) and General  
142 Accountability Office (GAO) to (1) identify the FAA grant requirements and (2) to assure  
143 the FAA has properly documented the key findings necessary to show local airport sponsor  
144 compliance with such grant requirements.

145  
146 The FAA relies on three key documents to verify local airport sponsor grant  
147 eligibility: (i) its Airport Improvement Program (AIP) Handbook (Handbook), (ii) its  
148 Airport Design Manual (Manual), and (iii) its Benefit Cost Analysis Manual (BCA  
149 Manual).<sup>3</sup> The County PMP does not satisfy the FAA Handbook, Manual, and BCA  
150 Manual requirements except possibly for the west end EMAS.

151  
152 County's main PMP projects include: a west end runway EMAS<sup>4</sup> to replace a too  
153 short runway safety area (RSA), a 200-foot east end runway extension without EMAS, and  
154 a runway relocation and further extension of 600 feet (collectively Relocation) and a  
155 runway east end EMAS.<sup>5</sup> The county Palomar Master Plan fails FAA requirements for the  
156 reasons below.

157  
158 We have added margin line numbers to assist the county and FAA in responding to  
159 our comments on the county PMP Programmatic EIR and on any related NEPA analysis  
160 the FAA may prepare related to county requests for Palomar FAA grants.

175-64  
cont.

<sup>2</sup> The Improper Payments Elimination and Recovery Act of 2010 (IPERA) amended the Improper Payments Information Act of 2002 (IPIA). IPERA (and therefore the IPIA) has been twice amended since. By the Improper Payments Elimination and Recovery Improvement Act of 2012 (IPERIA) and by the Federal Improper Payments Coordination Act of 2015 (FIPCA). To review the four acts, see (1) IPIA, Pub. L. No. 107-300, 116 Stat. 2350 (codified, as amended, at 31 U.S.C. § 3321 note (2002) with regulations in 31 C.F.R. varied sections); (2) IPERA, Pub. L. 111-204, 124 Stat. 2224 (codified, as amended, at 31 U.S.C. § 3301 (2010) with implementing regulations in varied 31 C.F.R. sections); (3) IPERIA, Pub. L. 112-248, 126 Stat. 2390 (codified, as amended, 31 U.S.C. § 3321 note (2012) with implementing regulations in 31 C.F.R. varied sections); and (4) FIPCA, Pub. 114-109, 129 Stat. 2225 (codified, as amended, at 31 U.S.C. 3321 note (2015) with implementing regulations in varied 31 C.F.R. sections). IPERA contains the core provisions affecting transportation agencies generally and the FAA specifically.

<sup>3</sup> For the FAA Airport Improvement Handbook, see FAA Order 5100.38D available at [https://www.faa.gov/airports/aip/aip\\_handbook/media/AIP-Handbook-Order-5100-38D.pdf](https://www.faa.gov/airports/aip/aip_handbook/media/AIP-Handbook-Order-5100-38D.pdf). For the FAA Airport Design Manual, including the February 2014 changes, see AC 150/5300-13A – Change 1 at [https://www.faa.gov/airports/resources/advisory\\_circulars/index.cfm/go/document.current/documentnumber/150\\_5300-13](https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentnumber/150_5300-13). The FAA 1999 Benefit Cost Analysis Guidance Manual is available at [https://www.faa.gov/regulations\\_policies/policy\\_guidance/benefit\\_cost/media/1999\\_faa\\_airport\\_benefit\\_cost\\_analysis\\_guidance.pdf](https://www.faa.gov/regulations_policies/policy_guidance/benefit_cost/media/1999_faa_airport_benefit_cost_analysis_guidance.pdf). If any of these links do not respond, go to the FAA website at [faa.gov](http://faa.gov) and insert either the AC or Order number or the document name or subject matter. Note: The term AC [Advisory Circular] is a misnomer when airports accept FAA grants because the conditions apply once grants are accepted.

<sup>4</sup> Engineered Materials Arresting System, made of crushable material, about 350 feet long intended to substitute for the 1,000-foot long runway safety areas at the Palomar runway end that would normally be required to handle the more than 500 FAA-rated C and D aircraft that use Palomar annually.

<sup>5</sup> The 2017 MP runway length is 4900 feet. County wants an 800-foot extension to 5700 feet.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

**1. Handbook Deficiency 1: County Fails the FAA Justification Test.**

To receive an FAA runway improvement grant, county must “justify” the need. The FAA AIP Handbook lists justification requirements in its Table 3-4 entitled Three Basic Tests to Determine if a Project is Justified as follows:

**Table 3-4 Three Basic Tests to Determine if a Project is Justified**

The three basic tests to determine if a project is justified are	
a.	<b>The Project Advances an AIP Policy.</b> The ADO must verify that the project advances at least one of the AIP policies contained in 49 USC § 47101. The basic goals and objectives in these policies include airport safety, airport security, airport capacity, meeting an FAA standard, preserving airport infrastructure through reconstruction or rehabilitation, protecting and enhancing the environment, minimizing aircraft noise impacts, and airport planning. AIP funds must not be used for a project that does not specifically advance one of the AIP policies.
b.	<b>There is an Actual Need.</b> Per FAA policy, the ADO must determine if there is an actual need for the project at the airport within the next five years (per the definition near-term development per the current version of Advisory Circular 150/5070-6, Airport Master Plans). This includes all subcomponents of the project.
c.	<b>The Project Scope is Appropriate.</b> The ADO must determine that only the elements that are required to obtain the full benefit of the project are included in the project scope. Any elements that do not meet these criteria must stand on their own separate merit and justification. The current version of FAA Order 5100.39, Airports Capital Improvement Plan, discusses this concept in further detail in the discussions on overall development objective.

175-65

a. County's 2018-2038 PMP Proposed Eastward Runway Extension and East End EMAS Fails the FAA Justification Advancement of AIP Improvement Requirements.

County's 2018 - 2038 PMP plan to install a Palomar west end EMAS may advance AIP policy but extending the runway to the east and adding an EMAS on the runway east end does not. We say an EMAS “may be” rather than “is” a needed Palomar Airport west runway end project for three reasons. First, when Santa Monica wished to ban C and D aircraft from its FAA-rated B airport in the 2000s, the FAA wrote an 80-page administrative opinion saying that C and D aircraft can safely use “B” airports. Residences are much closer to the Santa Monica runway than Carlsbad residences are to Palomar Airport. The federal court of appeals upheld the FAA decision. Second, when the FAA gave county \$8.6 million in 2009 to tear up and rehabilitate the runway, the FAA did not deem an EMAS needed. Third, though an EMAS may help departing aircraft, it decreases safety for arriving aircraft. A stricken aircraft arriving at 120 knots has a better safety chance with a 1,000-foot RSA rather than a 350-foot EMAS designed for aircraft moving no more than 70-knots. Moreover, even county forecasts its 2038 operations to be 30% less than the operations high in the 1990s. And the FAA in county's PMP considers the county to be optimistic.

175-66

The county PMP proposal for a Palomar east end 200-foot runway extension and EMAS has even more serious safety issues.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

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- The county's 19-acre Unit 3 runway east end closed landfill boundary already bisects the Palomar runway east end blast pad. County's planned eastward runway extension pushes the runway end and the EMAS into the middle of this 19 acre methane-emitting landfill. To extend the runway east, county would have to extend into the blast pad/landfill area. That Unit 3 landfill area has an extensive collection of methane collection piping within 3 to 7 feet of the surface. The Unit 3 landfill experienced a six-month underground fire in the mid 2000s as a result of methane venting issues. As county's own 11-page October 2013 SCS Engineers report titled *Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad, California* shows, aircraft crashes into the Unit 3 landfill create significant environmental and safety problems. See the SCS report attached at the end of these Bender PMP and PEIR comments. Oddly, the county refused to mention or discuss this report in its 2018-2038 Programmatic EIR.

- Moreover, Elite Airline, DBA Cal Jet, in 2017 projected Palomar passenger enplanements of about 270,000 within a few years – up from the current 55,000. Cal Jet has said it does not need any runway changes. For the reasons set forth in the SCS Engineers report, the Unit 3 landfill increasingly threatens the safety on air carrier aircraft either overshooting the eastside runway end or landing short of the east side threshold (depending on weather conditions and direction of flight).

Conclusion to FAA Table 3-4 Justification Test #1. County has not met FAA safety or capacity requirements to justify an east end runway extension.

b. County's 2018 - 2038 PMP Proposed Eastward Runway Extension Also Fails the FAA Justification Actual Need Requirement Test #2.

In 1999, Palomar had 286,000 flights. Yet in 2017, Palomar had about 155,000 flights. The drastic decrease is not surprising. Airports handling general aviation aircraft across the United States also had deep drops. County's own 2018-2038 PMP forecasts only 208,000 annual operations by 2038. So county asks for FAA monies to handle about 80,000 fewer flights than Palomar handled 20 years ago.

County's PMP also fails the actual need requirement because it proposes to destroy in about 13 years the 200-foot initial Palomar runway extension county wishes to build in the next few years. County breaks its construction program into less than 7 years, 8-12 years, and 13-20 years. Beginning as soon as 13 years after its PMP approval, county say it expects to relocate its entire runway (which would include the short term west end \$25 million EMAS and as yet unknown cost of the east end 200-foot extension) north about 123 feet. The unspoken county intent is clear. It wishes to eliminate the small aircraft parking along the airport north side, enlarge the buildable airport footprint, and relocate buildings, the runway, and taxiways.

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cont.

175-67

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

Traditionally, the FAA ignores airport longer-term projects so long as short term improvements serve a valid purpose on the theory that the longer term project may never be implemented. That might make sense when (1) existing airport facilities exceed capacity and (2) the future improvement does not conflict with FAA policies. The 201-2038 meets neither test. Palomar is underutilized today and has been for many years. Moreover, strict FAA policy requires that airport projects, such as the proposed 200-foot runway extension, built with FAA monies remain in place for 20 years. So county's 200-foot runway extension plan inherently conflicts with its 20 year planned projects.

175-68

Add to the foregoing concerns the FAA 2009 grants to Palomar totaling about \$8.6 million to tear up and rebuild the existing runway. County won't even amortize those expenditures until 2029.

Conclusion to FAA Table 3-4 Justification Test #2. Major Fail.

c. County's 2018 - 2038 PMP Proposed Eastward Runway Extension Fails the FAA Justification Appropriate Scope Requirement.

County at a cost of \$700,000 in consultant fees plus the cost of many county civil service staff hours released its 2011 Runway Feasibility Study. Since then, county has spent hundreds of thousands more to prepare its 2018 - 2038 PMP and PMP EIR. County's 2011 Runway Study conclusion was that it needed to extend its runway so that aircraft using Palomar could fly long distances, such as China and South America. County said aircraft flying such distances needed to leave at 90% load rather than 60% load to avoid refueling at San Diego International Airport 30 miles away.

County's PMP and PMP EIR fail to show that any significant number of aircraft would want to fly from Palomar internationally or in fact could so fly. In fact, county's Airport Director, Peter Drinkwater said in December 2017 shortly before retiring that he was aware of only one, once a week flight, which stopped at Lindbergh Field to refuel. That flight constitutes less than one half of one percent of the year 2038 projected 208,000 flights. Nor does county show how lengthening the runway by 200 feet (the interim plan for the first 13 years of the 20-year planning horizon) will allow aircraft to fly at any where near 90% load.

175-69

County built its Chapter 9 2011 Runway Feasibility Study Benefit Cost Analysis on a false assumption: that county could sufficiently increase aviation fuel revenues at Palomar to create a favorable BCA ratio. Moreover, such a calculation fails automatically because the FAA has recognized that transferring economic benefits from one area within a county (San Diego International Airport 30 miles to the south) to Palomar does not create a new economic benefit.

Conclusion to FAA Table 3-4 Justification Test #3. Major fail.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

### FAA Handbook Justification Conclusion

The FAA, FAA DOT Inspector General, OMB, and GAO may want to ask to determine the FAA's compliance with the federal Improper Payment Elimination and Recovery Act (IPERA) is: Why would the FAA fund a Palomar 200-foot runway extension within a few years when

- (i) Palomar operates at very substantial under capacity on a runway the FAA funded 9 years ago and
- (ii) county wants to tear up that runway and more than \$30 million of additions to it (the \$25 million west end EMAS and \$5 million plus runway extension, partly over a closed landfill) within 15 years to build a new runway with both west end and east end EMASs costing in total more than \$70 million and
- (iii) these plans will increase Palomar safety and environmental risks rather than reduce them and
- (iv) county rested its financial analysis on quicksand assumptions totally unsupported by any evidence.

I75-70

### 2. Handbook Deficiency 2: County Fails the Key Requirements for Intergovernmental Review.

The FAA Airport Improvement Program Handbook states its Key Requirements for Intergovernmental Review in Handbook Table 3-13.

**Table 3-13 Key Requirements for Intergovernmental Review**

Some of the key requirements are
<b>d. Process Changes.</b> The ADO must forward formal changes in a state's intergovernmental project review process to the Department of Transportation (DOT) Assistant Secretary for Administration. All affected DOT offices must implement the process changes submitted by the state within 90 days of receipt from the state.
<b>e. Establishment of State Process.</b> States, in consultation with local elected officials, have the option to establish their own process for reviewing and commenting on federal programs and activities.
<b>f. Treatment of Comments.</b> The ADO has the option to accept the comments, reach a mutually agreeable solution with the state or local agency, or reject the comments. While the ADO is not required to accept comments or discuss another solution, the ADO has the option to provide a written explanation of the final decision as a courtesy to the single point of contact at the state. The explanation should be provided at a minimum of 15 days before beginning work on a project. If no single point of contact for the state exists, the ADO has the option to send the written explanation to the parties that initially provided comments. When 49 USC § 47106(c)(1)(A) is triggered, the ADO must send the MPO a written explanation of the final decision. When the ADO provides a written explanation of the final decision to a state or MPO, the ADO must also send an informational copy to the DOT Assistant Secretary for Administration.

I75-71



Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

In California, the State Aeronautics Division must issue permits for local airports wanting to extend runways.<sup>6</sup> In addition, the State – by California Government Code § 65402(b) – requires local airport sponsors owning and operating airports to consult with the cities in which an airport is located.

Accordingly, county as Palomar operator must consult with Carlsbad, the city in which Palomar is located. The purpose is simple: to assure that county's proposed 20-year improvement plan is consistent with Carlsbad zoning and planning and to assure compatibility with the San Diego Regional Authority Airport Land Use Compatibility Plan for McClellan-Palomar Airport. If inconsistencies result, development around the airport could occur and interfere with aircraft leaving and arriving at the airport.

Moreover, in 1979, county applied for and received Carlsbad Conditional Use Permit (CUP) 172, which defines the conditions under which Palomar may operate and under which development may proceed. CUP 172 Table 1 lists improvements county may undertake without further Carlsbad approval. CUP 172 conditions 8 and 11 require county to seek Carlsbad amendment of CUP 172 if county expands the airport or converts the airport use from a "general aviation basic transport" airport. Also, CUP 172 Table 1 does not list runway extensions as a preapproved use. In fact, Carlsbad deleted such extensions from Table 1 when county submitted its Table 1 for approval in 1980.

County's 2018-2038 Palomar Master Plan says county will extent the Palomar in increments from 4900 feet to 5700 feet and within the 20 year planning horizon, relocate the runway about 125 feet north to widen the airport buildable footprint. Such improvements constitute airport expansions under both Carlsbad zoning law (Municipal Code 21.04.140 and under the state Public Utilities Code § 21664.5<sup>7</sup>.

<sup>6</sup> California Public Utilities Code (PUC) Division 9, § 21101 et seq. describe the powers and duties of the Aeronautics Division including those related to issuing permits for airports within the state. Airports extending runways must obtain Division of Aeronautics approval. When seeking approval, the local airport must complete an application. Among other information requested by the State, the local airport must provide evidence that its proposed project is compatible with planning and zoning surrounding the airport. In San Diego, California the San Diego Regional Airport Authority (SDRAA), an independent agency not operated by the county, acting as an Airport Land Use Commission (ALUC) adopts Land Use Compatibility Plans to assure that airport development is compatible with the planning and zoning laws governing communities surrounding airports and impacted by airport operation. McClellan-Palomar airport sits within the middle of the city of Carlsbad.

<sup>7</sup> Public Utilities Code § 21664.5(a) *An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.* (b) *As used in this section, "airport expansion" includes any of the following: (1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section. (2) The construction of a new runway. (3) The extension or realignment of an existing runway. (4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).* \* \*

175-71  
cont.



Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

340 The FAA 2017-2021 National Plan of Integrated Airports (NPIAS) Appendix C gives  
341 the statutory definitions of the terms “General Aviation” as “a public airport that does not  
342 have scheduled service or has scheduled service with less than 2,500 passenger boardings  
343 each year.” Appendix C defines “basic” as “Provides a means for general aviation flying  
344 and link the community to the national airport system. These airports support general  
345 aviation activities, such as emergency response, air ambulance service, flight training, and  
346 personal flying. Most of the flying at basic airports is self-piloted for business and  
347 personal reasons using propeller-driven aircraft. They often fulfill their role with a single  
348 runway or helipad and minimal infrastructure. “

349 Notwithstanding CUP 172’s Condition 11 limitation of Palomar operations to those of  
350 a general aviation basic transport airport, Palomar operates as a Commercial Service  
351 airport, which NPIAS Appendix C describes as a “public-owned airport with more than  
352 2,500 annual enplanements and scheduled air carrier service.

353 In November 2017 representatives of Carlsbad and County Department of Public  
354 Works, Airports Division and the community organization Citizens for a Friendly Airport  
355 (C4FA) met to discuss the county processing of its 2018 - 2038 Palomar Master Plan. In  
356 part, C4FA requested the meeting because county in 1997 – when county processed its  
357 1997-2017 Palomar Master Plan - first requested the Carlsbad City Council to act on the  
358 county PMP but then withdrew the request without explanation to the public.

359 At the November 2017 meeting, county announced that it did not need to seek an  
360 amendment to CUP 172 because its 2018 – 2038 PMP did not propose any projects  
361 expanding the airport. County said no expansion ever occurs unless projects impact areas  
362 outside the existing airport boundaries. As noted above, this position conflicts directly  
363 with the Carlsbad Municipal Code definition of “expansion” – which county accepted  
364 when it requested Carlsbad to issue CUP 172 – and with the State Public Utilities code.

365 Citizens for a Friendly Airport are concerned about Palomar Airport expansion  
366 because Carlsbad in 1980 adopted MC § 21.53.015, which requires a vote of Carlsbad  
367 citizens before Palomar Airport may expand if expansion relates to a vote of the Carlsbad  
368 City Council. After county approves its 2018 - 2038 PMP, the Carlsbad City Council will  
369 have to update its 2015-2035 General Plan to assure that it is consistent with the projects  
370 county proposes at Palomar and to assure that the state-required Land Use Compatibility  
371 Plan is compatible with future airport development and operations. The Carlsbad Council  
372 adopted MC § 21.53.015 only after residents concerned about airport expansion in 1979  
373 circulated an initiative position. Rather than allow the initiative go to a vote, the council  
374 adopted the MC provision.

375 As provided in the FAA Airport Improvement Program Handbook Table 3-13  
376 noted above, when determining whether a local airport sponsor (here county) has complied  
377 with intergovernmental review requirements, the requirements of 49 USC § 47106 apply.  
378 See the footnote below for the relevant § 47106 provisions.<sup>8</sup>

<sup>8</sup> §47106. Project grant application approval conditioned on satisfaction of project requirements

I75-71  
cont.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

379 Section 47106 requires that county follow the state-designated procedure when  
380 processing 2018 - 2038 PMP project grants including its proposed EMAS and runway  
381 extension and runway relocation. For the reasons above, county has failed to comply with  
382 State Government Code § 65402(b), among others, because county denies that the Palomar  
383 runway extension and relocation is an airport extension despite the state law and Carlsbad  
384 law to the contrary. County has an obligation to present the issue to the Carlsbad City  
385 Council so that Carlsbad residents may exercise their Carlsbad MC § 21.53.015 right to  
386 vote on an airport expansion.  
387

*(a) Project Grant Application Approval.-The Secretary of Transportation may approve an application ... for a project grant only if the Secretary is satisfied that-*

*(1) the project is consistent with plans (existing at the time the project is approved) of public agencies authorized by the State in which the airport is located to plan for the development of the area surrounding the airport; [Emphasis added]*

\* \* \*

*(4) the project will be completed without unreasonable delay;*

*(5) the sponsor has authority to carry out the project as proposed;*

\* \* \*

*(b) Airport Development Project Grant Application Approval.-The Secretary may approve an application ... for an airport development project grant for an airport only if the Secretary is satisfied that-*

\* \* \*

*(2) the interests of the community in or near which the project may be located have been given fair consideration; and [Emphasis added]*

\* \* \*

*(c) Environmental Requirements.-*

*(1) The Secretary may approve an application under this subchapter for an airport development project involving the location of an airport or runway or a major runway extension-*

*(A) only if the sponsor certifies to the Secretary that-*

*(i) an opportunity for a public hearing was given to consider the economic, social, and environmental effects of the location and the location's consistency with the objectives of any planning that the community has carried out;*

*(ii) the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the Secretary about a proposed project; and*

\* \* \*

*(B) if the application is found to have a significant adverse effect on natural resources, including fish and wildlife, natural, scenic, and recreation assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect. [Emphasis added]*

\* \* \*

*(3) At the Secretary's request, the sponsor shall give the Secretary a copy of the transcript of any hearing held under paragraph (1)(A) of this subsection.*

*S*

*(4) The Secretary may make a finding under paragraph (1)(B) of this subsection only after completely reviewing the matter. The review and finding must be a matter of public record.*

\* \* \*

175-71  
cont.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

388 As noted above, county also ignored Carlsbad when processing its 1997 - 2017  
389 PMP by first requesting that Carlsbad place the matter on the Carlsbad City Council  
390 agenda but later withdrawing the request and proceeding with unilateral action to the  
391 county Board of Supervisors. Of note, when county in 1997 first requested that its PMP be  
392 placed on the city council agenda, county again redrafted CUP 172 Table 1 to reinsert  
393 runway extensions as preapproved Carlsbad projects. Carlsbad did not accept it.

394  
395 Section 47106(b)(2) requires not just county presentation of its PMP proposed  
396 improvements to the Carlsbad City Council but also a showing that “*the interests of the*  
397 *community in which Palomar Airport is located: (Carlsbad) have been given fair*  
398 *consideration.*” By denying at the November 2017 meeting among representatives of  
399 Carlsbad, county, and Citizens for a Friendly Airport that the 2017-2037 proposed Palomar  
400 runway extension and runway relocation is an airport expansion, the county has forfeited  
401 any right to claim it has given Carlsbad and other community residents around Palomar  
402 Airport fair consideration.

403  
404 Section 47106(c)(1)(A)(i) requires that to be eligible for FAA runway extension  
405 and runway relocation grants, county must show a project’s location is consistent “*with*  
406 *the objectives of any planning that the community has carried out.*” As documented in  
407 Part A above – which comments on county’s failure to include McClellan-Palomar Airport  
408 in its state-required General Plan, even though county included 6 of its 8 county-operated  
409 airports in its General Plan – it appears that county has failed to adopt General Plan  
410 policies applicable to Palomar Airport. Therefore, the only applicable planning is that set  
411 forth in the Carlsbad 2015-2035 General Plan, as supplemented by Carlsbad CUP 172 and  
412 Carlsbad MC § 21.53.015, which requires Carlsbad voter approval of Palomar Airport  
413 expansions. The applicable § 47106(c)(1)(A)(i) “community” is the city of Carlsbad for  
414 three reasons. First, Palomar is located entirely within Carlsbad. Second, county  
415 requested and accepted Carlsbad rezoning of the airport and CUP 172. Third, county  
416 subjected itself to Carlsbad planning and zoning because county wanted Carlsbad to  
417 provide city services to the airport including but not limited to fire protection services.

418  
419 Section 47106(c)(1)(B) presents a further obstacle to a county FAA grant. This  
420 section allows an FAA grant “*if the application is found to have a significant adverse*  
421 *effect on natural resources, including fish and wildlife, natural, scenic, and recreation*  
422 *assets, water and air quality, or another factor affecting the environment, only after*  
423 *finding that no possible and prudent alternative to the project exists and that every*  
424 *reasonable step has been taken to minimize the adverse effect.* The county created and  
425 operated three different landfills (now closed) at Palomar Airport over a 14 years period,  
426 commonly referred to as Units 1, 2, and 3; Unit 3 is about 19 acres in size. According to  
427 the California Regional Water Quality Control Board (RWQCB) and county landfill  
428 diagrams, the western boundary of the Unit 3 landfill bisects the existing Palomar runway  
429 east end blast pad at runway end.

430  
431 As noted in more detail in Part C of our comments on the county 2018 - 2038 PMP  
432 and PMP EIR, even before county begins any Palomar east end runway extension, county  
433 has since 1996 failed to meet the California Regional Water Quality Control Board

175-72

175-73

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

434 (RWQCB) Order No. 96-13 landfill water quality objectives. That Order (since  
435 renumbered with substantive terms still in effect) established Palomar landfill water quality  
436 objectives for multiple water contaminants. For twenty years, county has filed its periodic  
437 landfill monitoring reports, which each time note that county has failed to meet the Order  
438 No. 96-13 objectives by extraordinary excess amounts. As recently as 2016 and 2017, the  
439 RWQCB sent letters to the county noting that the RWQCB needed a county plan as to how  
440 county would meet the water quality objectives established in 1996.

175-73  
cont.

441 On a going forward basis, six factors show that county construction of a Palomar  
442 eastward runway extension and/or runway relocation would further compromise water  
443 quality and air quality at Palomar Airport.  
444

- 445 • First, as noted in more detail in Part C below, the Unit 3 landfill spawned an  
446 underground fire lasting 6 months or more and requiring county to obtain an Air  
447 Quality Variance due to landfill emissions into the air while county tried to snuff  
448 out the fire with grout and carbon dioxide.
- 449 • Second, county created the landfills on Palomar Airport property without installing  
450 the now common 3-foot thick clay landfill bottom liner. In other words, as the  
451 landfill continues to deteriorate, the garbage juice drains to the landfill bottom and  
452 county installed no liner to prevent the garbage juice from entering clean soils or  
453 underlying ground waters.
- 454 • Third, the environmental literature confirms that burning plastics, Styrofoam, metal  
455 cans, batteries and house building materials such as treated wood, asbestos, and  
456 vinyl flooring – all common trash items disposed of in the Palomar landfills –  
457 creates hazardous materials.
- 458 • Fourth, a spaghetti like network of methane gas collection piping lies 4 to 7 feet  
459 below the Unit 3 landfill throughout the Unit 3 19 acres at the Palomar runway east  
460 end extension area. The plastic piping collects the gas created by the deteriorating  
461 landfill.
- 462 • Fifth, county plans to extend the Palomar runway by drilling hundreds of holes,  
463 each 15 to 40 feet deep, through the landfill trash to clean structurally sound soils.  
464 Pilings in these holes would support grade beams, which in turn would support the  
465 runway extension. Drilling these holes will create tens of thousands of migration  
466 pathways for the landfill garbage juice and likely some hazardous materials to drain  
467 into clean soils. Drilling these holes will also release methane gas into the air in  
468 San Diego County, already an air quality non-attainment area for ozone.
- 469 • Sixth, county's own October 2013 SCS Engineers report describes the many safety  
470 and environmental problems that could result if a Palomar aircraft crashed into the  
471 runway east end landfill.  
472

175-74

#### 473 **FAA Handbook Intergovernmental Cooperation Conclusion**

474  
475 The FAA, FAA DOT Inspector General, OMB, and GAO -- to determine the FAA's  
476 compliance with the federal Improper Payment Elimination and Recovery Act (IPERA)  
477 when acting on a Palomar Airport improvement grant – need to ask: Why would the FAA  
478 grant monies for a Palomar runway extension when:  
479

175-75

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

480	(i)	County over a 20-year period has failed to meet RWQCB objectives set forth in a formal RWQCB Order 96-13 and failed to even provide a plan for meeting the objectives;	175-76
481			
482			
483			
484	(ii)	(County created three very large Palomar Airport landfills hostile to aircraft operations, apparently without ever seeking written FAA approval contrary to the standard FAA grant condition that airport property be used only for airport purposes thereby indicating the county's failure to cooperate even with the FAA;	175-77
485			
486			
487			
488			
489	(iii)	A runway relocation and/or extension will increase the airport safety and environmental risks as documented by county's own consultant, SCS Engineers;	175-78
490			
491			
492			
493	(iv)	County agreed to operate the airport in compliance with Carlsbad planning and zoning law including CUP 172;	175-79
494			
495			
496			
497	(v)	California Government Code § 65402(b) and 49 USC § 47106 independently required county to consult with the Carlsbad City Council to resolve the airport expansion concerns noted above;	175-80
498			
499			
500			
501	(vi)	County representatives at a meeting among Carlsbad, county, and Citizens for a Friendly Airport denied that Palomar runway extensions and a runway relocation would expand Palomar airport and therefore denied the need for the Carlsbad City Council to act on the county 2017-2037 PMP or PMP projects;	175-81
502			
503			
504			
505			
506			
507	(vii)	County has a history of failing to cooperate with Carlsbad, the city hosting Palomar Airport, as illustrated by county in 1997 applying for a Carlsbad City Council hearing on its 1997-2017 PMP but later withdrawing the application; and	175-82
508			
509			
510			
511			
512	(viii)	County's actions will deny Carlsbad citizens the ability to attend a Carlsbad City Council meeting with a scheduled agenda item to force a decision on the application of Carlsbad CUP 172 and Carlsbad MC § 21.53.015 to county's 2017-2037 PMP and frustrate the purposes of 49 USC § 47106.	175-83
513			
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517			
518	<b>3. Handbook Deficiency 3: Environmental.</b>	The county's 2018 - 2038 PMP and PMP projects are not supported by environmental findings. Moreover, the county's "Tiered" PMP fails to provide the critical information needed to assess installation of EMAS systems and runway extensions at Palomar. The FAA AIP Handbook Environmental requirement discussion is as follows:	175-84
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523			

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

9/30/2014

Order 5100.38D

### Section 7. FAA Environmental Finding Complete.

#### 3-21. Environmental Finding Requirements.

Per 49 USC§ 47106(c), any airport project funded with AIP funds requires an environmental finding (Categorical Exclusion, Finding of No Significant Impact, or Record of Decision) prior to initial grant programming. The requirements for environmental analysis and findings are included in the current version of FAA Order 5050.4, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects.

Per FAA policy, the ADO must not program a project until the environmental finding is complete.

County has prepared a 2018 - 2038 PMP EIR. We comment extensively on that document in Part C of these comments below. We incorporate those comments by reference into this FAA AIP Handbook deficiency discussion. The FAA has not yet prepared a comparable NEPA document.

The county and prospective county tenants have a history of sidestepping both FAA NEPA and CEQA environmental requirements. Foreseeably, the county will soon seek to install its west end Palomar EMAS and soon thereafter extend the runway eastward and seek FAA grants to do so. In fact, county in December 2016 – long before approving its PMP and PMP EIR – applied for an FAA EMAS planning grant, a strong indication that county has already prejudged all PMP projects no matter what the environmental impacts.

County will likely follow its past practice of minimizing environmental review and claim that its 2018 - 2038 PMP EIR has analyzed almost all environmental concerns and little if any environmental analysis need be undertaken for the PMP projects. We summarize below why that position is incorrect so that the FAA has this information when county applies for each Palomar grant. But first, we substantiate the county's past poor environmental analysis record.

- *Palomar's 40-Year History of Avoiding CEQA EIRs.* From 1975 to 2015, county prepared no Palomar project specific environmental impact reports. Yet we understand that (1) from 1975 to 1999, Palomar expanded annual aircraft operations from less than 50,000 to nearly 300,000; (2) sought FAA approval to convert its general aviation basic transport operations to regularly scheduled commercial service; (3) expanded its passenger terminal size and relocated its airport parking to three parcels of land that county bought outside the original airport premises; (4) solicited Palomar tenant air carriers that would increase annual passenger enplanements from less than 50,000 per year to nearly 500,000 enplanements per year; (5) operated three Palomar airport landfills on airport property resulting in the deposit of nearly 1 million cubic yards of trash adjacent to airport runways despite creating the risk of aircraft bird strikes resulting from birds attracted to the landfills while they operated; and (6) caused or contributed to

175-84  
cont.

175-85



Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

2H estimated 2015 passenger levels at 65,000 and Elite in late 2017 estimated passenger levels at 279,000.<sup>9</sup> Moreover, the traffic levels in Carlsbad in 1994, which were included in the Carlsbad 1995-2015 General Plan EIR which county adopted by its 1997 PMP Negative Declaration bear no relationship to the traffic levels in Carlsbad 23 years later in 2017. In other words, county's 2017 Elite Categorical Exemption failed to consider the Carlsbad environmental baseline in 2017 when Elite began operations.

At this point, our apology to readers (though few they are sure to be) may seem appropriate. We too believe in "*letting bygones be bygones*." If the past were irrelevant, we would not take the time to summarize the above history. What is clearly happening again is that county (after our written complaint to the five county Board of Supervisor members) belatedly decided to prepare a Palomar EIR. That is good. And California law also allows county to prepare a so-called tiered EIR so that it may speed its future environmental analyses. Also a good thing as long as county actually analyzes the impacts of the projects it proposes to undertake. .

But the county history of sidestepping CEQA requirements clearly predicts the county future positions related to the 2018 - 2038 PMP projects. As it did by riding the Carlsbad 1995 General Plan EIR horse to misguided environmental bliss, County will say its 2018 PMP EIR analyzed all relevant runway extension and runway relocation issues and county need do little more. IF that is true, we agree. But our PART C comments below show that county's 2018 PMP EIR omits a great deal of information needed to assess the environmental impacts of Palomar runway extensions and runway relocations and has many critical analytical failures.

#### FAA Handbook Environmental Conclusion

Given the above described history of county sidestepping proper environmental analysis for Palomar Airport, questions the FAA, FAA DOT Inspector General, the OMB, and GAO need to ask to determine the FAA's AIP Handbook and IPERA compliance when county (1) asks for FAA Palomar improvement grants and (2) claims that its 2018 PMP EIR have already analyzed the project's environmental impact include:

- What, if any environmental baseline [existing environmental community conditions] did county identify before assessing Palomar development and operational environmental impacts? That is, what were the traffic levels, air quality levels, noise levels, and other environmental baselines before new improvements are built? Did county really use 2016 baseline data for its 2018 PMP EIR, as county claims? Where does the document identify the levels?
- Did county properly assess environmental impacts of all Palomar users?<sup>10</sup> Aircraft impacts end once aircraft are out of the air. Passenger traffic, air quality, and vehicle noise impacts continue for many miles before and after the flight. When

<sup>9</sup> See Elite's Nov 9, 2017 application to county.

<sup>10</sup> The 2012 CPA NEPA assessment failed in part because the analysis failed to fully analyze both operations and enplanements.

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cont.

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175-87

175-88

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

- 646 counting persons using Palomar, why did county apparently omit the approximately  
 647 200,000 persons on general aviation aircraft, charter flights, corporate flights, and  
 648 helicopter flights? How did this omission affect its air quality, noise, and traffic  
 649 analysis?  
 650
- 651 • Is county again splitting projects into increments to avoid assessing the total  
 652 impact? The Elite, dab Cal Jet, successive categorical exemptions, only months  
 653 apart, suggest that county fails to gather full data initially so that categorical  
 654 exemptions can be supported piecemeal later.  
 655
- 656 • Did county identify the specific county General Plan policies that apply and, if so,  
 657 where does the county General Plan say that it applies to county property within  
 658 charter cities (as opposed to only in unincorporated county areas)?  
 659
- 660 • For purposes of assessing cumulative impacts, has the county ignored some  
 661 Carlsbad building projects underway or planned – as Carlsbad noted in its March  
 662 19, 2018 comments on the county EIR.  
 663
- 664 • As to extending the Palomar runway east ward 200 feet, why didn't the 2018 PMP  
 665 EIR identify and discuss:  
 666
- 667 ○ Where is the exact western boundary of the Unit 3 landfill, which the  
 668 county records suggest approximately bisects the Palomar runway east end  
 669 blast pad? How much of a 200-foot runway extension can be built on stable  
 670 soil and how much on pilings augured through the landfill?<sup>11</sup>  
 671
  - 672 ○ Because extending the runway would also require extending the taxiway  
 673 south of the runway, do landfill Units 1 or 2 south of the runway impact a  
 674 taxiway extension?  
 675
  - 676 ○ How much of Palomar's existing landfill methane collection system will be  
 677 destroyed and replaced and what air quality impacts will be caused? At one  
 678 of the Palomar PMP workshops, county consultant noted that heavy  
 679 equipment needs to operate within an area several hundred feet from the  
 680 improvement being constructed. Accordingly, the work area is not just the  
 681 200 feet of a runway extension but hundreds of feet adjacent to it in which  
 682 bulldozers will operate to construct an extension.
  - 683 ○ What water quality and air quality impacts will auguring several hundred  
 684 holes through the Unit 3 landfill trash?  
 685
  - 686 ○ In response to the RWQCB 2016 and 2017 letters to county noting county's  
 687 continued failure to meet RWQCB Order 96-13 objectives, what written

<sup>11</sup> Usually, a battering ram drives pilings into the ground. Perhaps because county wants to minimize battering noises, county's PMP proposes auguring (drilling) holes through the landfill trash and casting concrete pilings within the holes.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

688	plan and commitments has county made to comply with the RWQCB	↑ 175-93 cont.
689	Order?	
690		
691	○ Assuming a 200-foot runway extension is built, will aircraft overshooting	175-94
692	the east end runway on take off or landing short of the runway now be	
693	crashing directly into the existing Unit 3 landfill with the safety and	
694	environmental consequences outlined in county consultant's October 2013	
695	report?	
696		
697	○ Does the county claim its runway extension and/or runway relocation	175-95
698	requires consistency with a San Diego Regional Airport Land Use	
699	Commission Land Use Compatibility Plan (LUCP)? If so, recall that the	
700	LUCP only deals with whether a project outside the airport would interfere	
701	with airport operations. Such as construction of a 3 story-building in the	
702	airport approaches. Will county try to undertake any Palomar improvements	
703	before an ALUC LUCP update is prepared?	
704		
705	/ / /	
706		
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710	/ / /	
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Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

**4. Handbook Deficiency 4: Proposed Palomar 2017-2037 PMP Projects Costs are Not Allowable, Necessary or Buildable at Reasonable Costs.**

In addition to requiring a local airport sponsor to *justify* its project, show proper *intergovernmental cooperation*, and prove project *environmental compatibility*, the FAA AIP Handbook precludes FAA funding unless a project is Allowable. To be Allowable a project must be both Necessary and buildable at a Reasonable cost. Relevant AIP Handbook provisions include the following:

9/30/2014

Order 5100.38D

**Table 3-38 Resources to Determine if a Project Cost is Necessary and Allowable**

The resources include	
a.	<b>The Act.</b> 49 USC § 47110(b) contains the basic five requirements that must be met for an ADO to determine that a cost is allowable.
b.	<b>49 CFR § 18.22 and OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments</b> (2 CFR 200 Subpart E, Cost Principles). 49 CFR § 18.22 requires that this OMB circular be followed for AIP funded projects. OMB Circular A-87 (2 CFR 200 Subpart E, Cost Principles) provides the principles that the ADO must use to determine if a cost is allowable.
c.	<b>The Single Audit Act of 1984.</b> The Single Audit Act of 1984, Public Law 98-502 (as amended in 1996, Public Law 104-156, as amended and recodified at 31 USC § 7501 et seq.) is implemented by OMB Circular A-133 (2 CFR 200 Subpart F), Audits of State, Local Governments, and Nonprofit Organizations. Although it is not this document's primary purpose, the Single Audit Act of 1984 provides valuable information about how to make allowable cost determinations.

175-96

**Table 3-39 Five Basic Requirements to Determine a Cost is Allowable**

For the following basic requirement	The requirements are in
a. Costs Necessary (Allowable Cost Rule #1).	Section 12
b. Costs Incurred after Grant Executed (Allowable Cost Rule #2).	Section 13
c. Costs Reasonable (Allowable Cost Rule #3).	Section 14
d. Costs Not in Another Federal Grant (Allowable Cost Rule #4).	Section 15
e. Costs within Federal Share (Allowable Cost Rule #5).	Section 16

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745  
746  
747

/ / /

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

**Table 3-46 Allowability of Costs to Rebuild or Relocate Facility Impeding an AIP Project**

If the impacted facility is	The cost to rebuild or relocate the facility in a new location is
	upgrading the impacted facility. (4) For FAA facilities, the relocation costs or costs of a new building or piece of equipment must demonstrate a passing (greater than 1.0) benefit-cost ratio.
b. Sponsor-owned facility on airport.	<b>Not allowable.</b> The only costs that are allowable are the removal or demolition of the facility (minus salvage value). The sponsor also has the option to physically move the facility to another location on the airport up to the demolition costs of the facility. The reason that the cost to rebuild the impacted facility is not allowable is because the sponsor has control of on-airport development and is therefore responsible if a facility is in the way of new development.

9/30/2014

Order 5100.38D

**Table 3-69 Documentation of ADO Cost Reasonableness Determinations**

For	The ADO must document its determination by
d. Grants based on estimates	In the rare instance that an ADO issues a grant or part of a grant based on estimates, the ADO must make the cost reasonableness determination before the sponsor receives a grant payment for the work. In this instance, the ADO must document their cost reasonableness determination in writing and place a copy in the project file.  In the specific instance of a state block grant that is based on estimates, the ADO may rely on the state's request for a grant payment for the work as documentation that the state has found all costs to be reasonable.

175-96  
cont.

As FAA AIP Handbook Table 3-38 states, in addition to meeting Handbook requirements, county must meet a host of cost constraints in OMB Circular A-87, a long and complex document. Handbook Table 3-39 says that to be allowable, county project costs must be both necessary and reasonable.

County's costs to relocate the entire runway in the long term are not necessary as Handbook Table 3-46 above confirms. The table states in relevant part "*If the airport-owned facility (Palomar runway) is impacted in some way the cost to rebuild or relocate is not allowable.*" The only allowed cost is the cost of demolition of the original facility (less its salvage value). As the Handbook Table 3-38 says: "*The reason that the cost to rebuild the impacted facility is not allowable is because the sponsor has control of on-airport development and is therefore responsible if a facility is in the way of new development.*"

In essence, Table 3-69 says that county has been designing and constructing Palomar Airport including the runway, taxiways, and surrounding structures for more than 50 years, has already received FAA grants to support that development, and the

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

768 FAA is not going to pay for the cost of a runway and taxiways a second time (other  
769 than perhaps to fund demolition costs) because county has changed its development  
770 strategy.

771  
772 As to county's desire to extend the runway 200-feet in the near term, the  
773 information presented above has shown (1) Palomar operates at under capacity and has  
774 for more than a decade; (2) county's FAA-approved forecasts project flight levels  
775 almost 100,000 less than Palomar's past high, even 15 years from now; (3) county's  
776 PMP and PMP EIR present no credible evidence that more than a handful of Palomar  
777 flights would fly long distances and require the ability to leave the runway at 90% load  
778 rather than 60% load,<sup>12</sup> and (4) even if such flights existed, county has not shown that  
779 lengthening the Palomar runway by 200 feet adds much length to Palomar flights.

780  
781 Moreover, county's PMP and PMP EIR have failed to address key issues that seem  
782 to confirm the long-term drop in general aviation airport flights since 2000. First,  
783 modern day technology including emails, the internet, the ability to send massive  
784 documents instantaneously internationally and even objects by 3-D printing, and video  
785 conferencing greatly reduce the need for corporate travel. Second, corporate efficiency  
786 and frugality make it difficult for corporations to justify sending executives away from  
787 the office for several days when meetings can be accomplished in a few hours without  
788 leaving the office. Third, the aviation market including manufacturers of the  
789 Bombardir CS 100 and Mitsubishi MRJ70 will very soon market aircraft with  
790 materially shorter takeoff and landing capabilities, which will make a longer Palomar  
791 runway both unneeded and a "buggy-whip" expenditure. The Bombardier CRJ 700  
792 and Embraer E170 are already in service and can use the Palomar runway with no  
793 runway extensions.

794  
795 In addition, for county to meet the FAA Handbook Table 3-39 allowability test, county  
796 must show its project costs are reasonable. The runway extension costs are  
797 extraordinarily costly.

798  
799 • In 2009, the FAA gave Palomar two grants totaling about \$8.6 million to  
800 rehabilitate (demolish to dirt and rebuild) the 4900-foot runway with no EMAS  
801 systems added. Yet to add 600 feet of runway and taxiway (not counting the  
802 cost of the initial 200-foot extension), the county PMP forecasts a cost of \$30  
803 million (in 2016 dollars) due to the need to install hundreds of pilings, each 15  
804 to 40 feet deep, to support grade beams to support an extended 600-foot runway  
805 deck.<sup>13</sup> **So the county 2009 runway reconstruction cost was \$1,755 a linear**

<sup>12</sup> Even if county could produce survey data from Palomar corporate tenants supporting international flights, such surveys would be suspect. Understandably, such tenants would want to curry favor with the county and support whatever county wants. Also, such corporate tenants have an interest in ousting the small aircraft occupying the north side of the Palomar Airport – as Supervisor Bill Horn (supervisor for the San Diego North County) suggested at a 2015 Board of Supervisor meeting when he aggressively pushed for a 900 foot, not just 800 foot, runway extension. Appropriate evidence that county could produce would show how many of perhaps 10,000 annual Palomar corporate flights left Palomar and refueled at San Diego International Airport 30 miles away to proceed on a long trip.

<sup>13</sup> See county PMP p. ES-11.



Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

- 806 **foot (\$8,600,000 divided by 4900 feet) while the 600-foot extension cost is**  
 807 **\$50,000 a linear foot. (\$30,000,000 divided by 600 feet).**  
 808  
 809 • **Moreover, county also wants to initially build a west end “short term”**  
 810 **EMAS and then when the runway is relocated and extended the full 800**  
 811 **feet, pay \$11,200,000 to relocate it.<sup>14</sup>**  
 812  
 813 • But as they save in advertising: Wait, there’s more. The foregoing costs omit  
 814 several crucial factors.  
 815  
 816 ○ *Amortization # 1:* The FAA uses a 20-year time frame to amortize FAA  
 817 grant awards for structural improvements. The 2009 runway  
 818 rehabilitation costs won’t be amortized until 2029. So any demolition  
 819 costs of Palomar west end and east end runway, taxiways, and blast pad  
 820 areas to add a near term EMAS or 200 foot runway extension need to be  
 821 added to the projected costs.<sup>15</sup>  
 822  
 823 ○ *Amortization #2:* County’s 2017-2037 PMP calls for the existing  
 824 runway with new west end EMAS and new east end 200-foot addition  
 825 to be replaced with a new runway about 125 feet to the north. Again,  
 826 county will have failed to fully amortize the cost of the west end EMAS  
 827 and as yet unknown cost of the 200-foot east end extension.  
 828  
 829 ○ *Landfill Haul Away Costs:* When auguring several hundred pile holes,  
 830 each 15 to 40 feet deep, county will be removing substantial landfill  
 831 trash, some possibly hazardous material as a result of past Palomar Unit  
 832 3, underground landfill fires. County’s documents do not seem to  
 833 account for this cost.  
 834  
 835 ○ *Future Landfill Operating and Monitoring Costs.* The FAA Benefit  
 836 Cost Manual requires that airports calculating project benefits and costs  
 837 include in the BCA ratio the costs of maintaining and operating FAA  
 838 funded improvements over the improvement life. California state law  
 839 requires the county to monitor the methane producing landfill trash for  
 840 many years. County annually spends very substantial sums to do this.  
 841 It appears that the County landfill unit has been paying these costs for  
 842 some time, though a number of years ago there was a Memorandum of  
 843 Understanding between “County Landfill” and “County Airports,”  
 844 which provided for some cost sharing.  
 845  
 846 Presumably, taxpayers pay for such cost currently, not airport users  
 847 through airport fees they pay. That seems appropriate since creation

175-98  
cont.

175-99

<sup>14</sup> Id.

<sup>15</sup> We understand that the pavement depth of the Palomar runway and blast pad areas differ materially. Accordingly, if county ever extended the east end runway through the blast pad area, the blast pad area would have to be demolished and the depth deepened to about three feet.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

848 and operation of the landfill benefited taxpayers, not airport users. But  
849 extending the Palomar runway over the landfill benefits the airport and  
850 harms taxpayers by increasing the cost of cleaning up aircraft/landfill  
851 related risks if an aircraft crashes into the landfill. The county 2018 -  
852 2038 PMP does not factor such costs into its BCA alleging supporting  
853 county FAA grant applications. As county taxpayers, we object to  
854 taxpayers being obligated to pay 100% of landfill maintenance and  
855 operational costs when county airports benefits from extending the  
856 runway.

857  
858 ○ *County Increased Exposure to Hazardous Waste Liability Cleanup*  
859 *Costs.* If an aircraft crashes into the Palomar runway east end RSA  
860 (runway “safety” area today), firefighting equipment pours hundreds or  
861 thousands of gallons of water (possibly chemically treated to fight fires)  
862 on hazardous aviation fuel spilling into the Unit 3 19 acres. An  
863 expensive cleanup follows. But a simple one. Bulldoze as deep as  
864 needed through the unpaved RSA and haul the aviation-contaminated  
865 trash to a hazardous waste dump.

866  
867 Contrast that scenario with the one occurring after county extends the  
868 runway eastward on pilings averaging 20 feet in depth. Soil between  
869 the piles will likely be contaminated. But now the bulldozers cannot  
870 easily access the contamination. The new runway deck sits only a few  
871 inches above the grade beams, which sit on the hundreds of piles. By  
872 extending the runway, county has now created a dilemma. Either the  
873 county has to leave substantial amounts of hazardous material  
874 contamination in place or tear up the runway to fix the problem or  
875 undermine the pilings if it tries somehow to “vacuum” up deep  
876 contamination around the pilings. County’s PMP analysis needs to  
877 address this topic, how such a spill would be handled, and the  
878 contingency costs to be allocated.

879  
880 ○ *County 14-Year Violation of FAA Grant Assurances.* Among other  
881 conditions, the standard FAA Grant Assurances require airport owners  
882 receiving FAA grants to use airport land for airport purposes only, not  
883 for other purposes, without approval of the Secretary of Transportation  
884 in writing.

885  
886 We have asked the county to produce but have not received any proof  
887 that the county received written FAA approval to dump about 1 million  
888 cubic yards of trash into Palomar canyons within 1000 feet of the  
889 runway while Palomar actively operated the airport over a 14-year  
890 period. Given the well-recognized problem of birds being attracted to  
891 landfills and bird strikes bringing down aircraft, it is hard to believe that  
892 the Secretary of Transportation would consent to such a use.  
893

175-99  
cont.

175-100

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

894	<b>In June 2017 by FOIA request – due to the importance of this 14-</b>	I75-101
895	<b>year county grant violation to the public and due to the pending</b>	
896	<b>county 2018 – 2038 PMP and PEIR and county upcoming request</b>	
897	<b>for FAA grants – we asked the FAA to produce records related to</b>	
898	<b>the multiple FAA past grants to the county for Palomar Airport.</b>	
899	<b>We also asked for a fee waiver in the public interest as the FOIA</b>	
900	<b>statute allows. The fee waiver request was denied within a week.</b>	
901	<b>We filed our appeal to Washington, D.C on August 2, 2017. As of</b>	
902	<b>March 19, 2018 the FAA had failed to rule on the appeal despite the</b>	
903	<b>FOIA provision giving the FAA 20 business days to respond. Since</b>	
904	<b>the FAA is now 8 months late in replying, we reserve the right to</b>	
905	<b>provide the FAA, DOT IG, OMB, and GAO additional information</b>	
906	<b>when FAA records are available.</b>	
907		
908	County's request for runway extension and runway relocation monies	I75-102
909	are unreasonable because county's violation of the grant assurances (for	
910	the multiple grants totaling in excess of \$30 million that county has	
911	received previously) were not merely technical. Major problems caused	
912	by county's repeated Grant Assurance violations include:	
913		
914	• For 14 years, county exposed thousands of aircraft to the	I75-103
915	possibility of bird strikes from birds attracted to the three county	
916	Palomar landfills, a clear safety violation.	
917		
918	• County has drastically driven up the cost of extending the	I75-104
919	Palomar runway and taxiways and runway relocation as detailed	
920	above.	
921		
922	• County has had to reduce the rents of various Palomar tenants	I75-105
923	whose buildings have been impacted by landfill subsidence in	
924	two ways. Sometimes buildings have been physically damaged.	
925	Other times it appears that methane gas has invaded the	
926	buildings requiring installation of methane gas monitors and	
927	concerns about employee safety.	
928		
929	• Despite the fact that Palomar Airport adjoins Palomar Airport	I75-106
930	Road and El Camino Real, two major Carlsbad arterials in the	
931	Carlsbad General Plan scenic corridors, county maintains several	
932	thousand feet of ugly airport perimeter slopes and has repeatedly	
933	claimed its inability to permanently landscape and water the	
934	slopes due to concerns of infiltrating waters into the Palomar	
935	landfills county created. Interestingly, county has also failed to	
936	landscape the Palomar Airport perimeter on the north east corner	
937	of El Camino Real and Palomar Airport road, which county	
938	concedes are not impacted by landfills.	
939		

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

- 940 • All the foregoing problems resulted from county's decades long  
 941 deliberate attempt to avoid intergovernmental consultation with  
 942 the FAA and with Carlsbad as illustrated by  
 943  
 944 (1) County failing to obtain FAA approval for the landfills, (2)  
 945 County failing to adopt county General Plan policies for Palomar  
 946 similar to the policies it adopted for 6 of its 8 county operated  
 947 airports,  
 948 (3) County failing to prepare a Palomar EIR for 40 years despite  
 949 repeated development and operational changes,  
 950 (4) County's failure to comply with California GC § 65402(b)  
 951 and Carlsbad zoning and planning law,  
 952 (5) County's failure to meet its RWQCB Order 96- water quality  
 953 objectives for more than 20 years, and  
 954 (6) County ignoring Carlsbad planning staff pleas to  
 955 permanently landscape the Palomar Airport thousands of feet of  
 956 perimeter slopes.  
 957  
 958  
 959 • Quite clearly county embarked on a forty-year course of conduct  
 960 to fill Palomar Airport canyons with trash in order to create  
 961 useable airport land to expand the airport without ever disclosing  
 962 its intent to the FAA, to Carlsbad, or to communities  
 963 surrounding the airport. County could have avoided all the  
 964 safety and environmental problems noted above by simply  
 965 allowing developers around the county – who needed a place to  
 966 dispose of clean fill dirt from their projects as they leveled  
 967 mountain tops for residential and industrial developments – to  
 968 place clean fill dirt in the Palomar canyons.  
 969  
 970 As FAA AIP Handbook Table 3-69 above notes, when the FAA makes project grants  
 971 based on project estimates, the FAA must document its cost reasonableness estimates in  
 972 writing and place them in the file. For each grant request that county makes related to its  
 973 2018 - 2035 PMP projects, we will be requesting through FOIA a copy of the  
 974 FAA's analysis, including that of the Western Pacific Region, so that we may forward  
 975 them to the DOT Inspector General, the OMB, and the GAO so they may determine if the  
 976 FAA has complied with IPERA.  
 977  
 978 **FAA Handbook Project Allowability Analysis Conclusion**  
 979  
 980 The questions the FAA DOT Inspector General, the OMB, and GAO need to ask to  
 981 determine the FAA's AIP Handbook and IPERA compliance when county (1) asks for an  
 982 FAA Palomar improvement grant and (2) claims that county 2018 - 2038 PMP projects  
 983 meet the FAA allowable (necessary and reasonable) criteria are set forth above. In  
 984 summary, these oversight agencies need to:  
 985

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

- 986 • Necessary Project: Review all county claims supported by county citation to  
 987 specific evidence in the PMP to relevant PMP pages explaining why a  
 988 Palomar runway extension and Palomar runway relocation are needed in the  
 989 next 20 years when (1) Palomar is underutilized today, (2) relies on aircraft  
 990 operational levels significantly less than handled 20 years ago, (3) and  
 991 county presented no credible evidence of a need to encourage international  
 992 flights from Palomar.  
 993
- 994 • Reasonable Cost: Require county to (1) provide a detailed runway drawing  
 995 showing how installing a Palomar runway west end EMAS and EMAS  
 996 buffer area and/or increased displaced runway threshold moves the west end  
 997 runway closer to the east end Unit 3 closed landfill, (2) establish the actual  
 998 west boundary of the Unit 3 east end landfill by conducting a sufficient  
 999 number of soil borings to show how many pilings would have to be placed  
 1000 to support any of the 200-foot east end runway extension, (3) produce  
 1001 evidence of whether the six month underground Unit 3 landfill fire  
 1002 converted household trash to hazardous waste, and if so the extent of such  
 1003 conversion, (4) provide a detailed project cost breakdown more accurate  
 1004 than the guestimates in county's PMP appendices.  
 1005

175-110  
cont.

1006 **5. Handbook Deficiency 5: County's Proposed Project Schedule Violates FAA Grant**  
 1007 **Standards: The 20-Year Life Rule.**  
 1008

1009 Citing 49 USC § 47114(d)(5)(A), the FAA AIP Handbook states that airports accepting  
 1010 FAA grants must design runway pavement life to be at least 20 years and maintain them  
 1011 for 20 years.<sup>16</sup> County's 2018 - 2038 PMP says county intends to install a Palomar  
 1012 runway west end EMAS as soon as possible and extend the runway east end 200-feet  
 1013 within a few years and then demolish and relocate these improvements in 13 to 20 years.  
 1014 Relocating the runway in substantially less than 20 years after spending \$25 million to  
 1015 install an EMAS and millions to extend the runway 200 feet eastward fails the FAA grant  
 1016 requirement. Accordingly, the county 2017-2037 PMP on its face is defective.  
 1017

175-111

1018 **6. BCA Manual Deficiency 1: When Calculating its FAA-Required Benefit Cost**  
 1019 **Ratio to Qualify for an FAA Runway Extension Grant, County Miscalculated Its**  
 1020 **Revenues.**  
 1021

1022 Airports calculate a Benefit Cost Analysis (BCA) ratio to determine if they qualify  
 1023 for AIP capacity grants. Overall FAA BCA requirements are listed in the footnote  
 1024 below.<sup>17</sup> Local sponsors calculate the revenues the new improvements will create for

175-112

<sup>16</sup> See FAA AIP Handbook Table 3-19, Item d and Table 2-5, Item d.

<sup>17</sup> The FAA BCA Manual "Dos" and "Don'ts" are:

*What:* Do a BCA for airport capacity improvements but not for safety or environmental mitigation (§1). *When:* Preferably do the BCA at the airport master plan stage but acceptable for specific projects (§1).

*Why:* To show project benefits exceed costs (§2). *How: Methodology.* Define project objectives, assumptions, reasonable alternatives, the evaluation period. Examine all planning, permitting, construction, maintenance, and operating costs over the project improvement life. Value the benefits to aviation users including monetary gains, lower operating costs, travel time reductions, and cash benefits to the local sponsor

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

1025 airport users over the improvement life (20 years for real property improvements) and  
1026 divide that amount by the cost of planning (including environmentally assessing),  
1027 constructing, and operating the improvements during their life cycle). If the calculated  
1028 ratio is greater than 1, the local sponsor applicant may be eligible for an FAA AIP  
1029 grant.

1030  
1031 The 2011 Palomar Runway Feasibility Study<sup>18</sup> – which laid the groundwork for the  
1032 county 2018 - 2038 PMP and PMP EIR – calculated the Benefit Cost Analysis of  
1033 extending Palomar's runway in Chapter 8. The same county consultant prepared the  
1034 2011 Feasibility Study and 2018 PMP. BCAs focus on benefits to the air community.  
1035 BCAs are not macroeconomic analyses forecasting the benefit of airports to the  
1036 surrounding region. As the BCA manual notes:

1037 *“Macroeconomic impacts accruing to a community as a result of an airport*  
1038 *project are difficult to quantify and frequently represent transfers from other*  
1039 *regions. Moreover, these benefits are largely external to the national airport*  
1040 *system, whereas the taxes that fund the AIP are collected from aviation system*  
1041 *users to operate, maintain, and/or improve the nation's aviation system. In*  
1042 *addition, Section 6(b)(3) of OMB Circular A-94 generally rules out consideration*  
1043 *in BCAs of employment or output multipliers that purport to measure the secondary*  
1044 *effects of government expenditures in measured social benefits and costs.”<sup>19</sup>*

1045 The county Feasibility Study says a longer runway means more flights leaving at 90%  
1046 capacity and flying internationally, instead of refueling at Lindbergh Field 30 miles  
1047 away. County provided no evidence showing (1) how many flights historically have  
1048 refueled at Lindbergh to fly very long distances nor (2) how extending the runway 200-

such as increased airport user fees. Use the best data reasonably obtainable. Perform a “sensitivity analysis”: ask how benefits and costs change with assumptions, such as airport aviation forecasts. Define environmental constraints. Recognize that benefits and costs depend on when funds are spent. Use FAA aircraft forecasts, economic values of certain activities, and financial discount rates to calculate BCAs. Calculate the BCA ratio. (§§ 2-5, 10, Tables 10.1 and 10.2, § 11). *How: Base Case Comparison.* When calculating the BCA, recognize that some predicted future airport costs and benefits would have been incurred even without the new project. Define the “baseline” benefits and costs. Assure the BCA for the proposed project does not capture base case benefits and costs (§6). *How: Justification.* The BCA preparer must show how and why each specific level of effort was selected for the BCA Manual criteria and consult with the FAA ahead of time (§9).

#### DON'Ts

Do not include in the BCA non-aviation macro economic multipliers, which measure benefits to the community, not aviation users. Macroeconomic analysis for impacts outside airports may supplement a BCA ratio, once determined (§§ 2, 10). Discourage building new capacity to serve infrequent and short-lived airport traffic peaks (§7). Do not automatically include the demand a project improvement may induce (§10). Do not include any benefit resulting from compliance with FAA design standards (§10).

<sup>18</sup> See County of San Diego McClellan-Palomar Airport website listing “Feasibility Study” available at <https://www.sandiegocounty.gov/dpw/airports/palomar.html> .

<sup>19</sup> FAA BCA Manual, § 2.3 *Treatment of Macro-Economic Impacts Associated with Airport Projects*, p. 4.

175-112  
cont.



Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

1049 feet would materially change an aircraft operating range. Out of Palomar's 155,000  
1050 annual flights, only about 5,000 to 10,000 are corporate flights. Of these, fewer than  
1051 1,000 (according to Airport Director Peter Drinkwater) were Gulfstreams having an  
1052 international capacity IF fully loaded. County's 2018 -2038 provides no evidence (as  
1053 opposed to speculation) how county can claim any new substantial benefit from  
1054 relocating some gas tax revenues from Lindbergh Field to Palomar. Moreover,  
1055 regardless of whether county calculates a BCA or relies on an overall macroeconomic  
1056 analysis, county is not calculating new revenues but "transferred" revenues that county  
1057 already earns from aircraft using San Diego International Airport 30 miles away to fuel  
1058 for long distance flights.

I75-112  
cont.

1060 **7. BCA Manual Deficiency 2: <sup>20</sup> When Calculating its FAA-Required Benefit Cost**  
1061 **Ratio to Qualify for an FAA Runway Extension Grant, County Miscalculated Its**  
1062 **Revenues by Ignoring Revenue Offsets Caused by the Three On-Airport Landfills**  
1063 **it Created.**

1064  
1065 By creating airport landfills and the resulting ground settlement and escape of methane  
1066 gas problems, county has acknowledged that it grants tenants affected by the landfill rent  
1067 reductions. County BCA calculations need to offset any alleged increased revenues by the  
1068 losses its actions have created over the 20-year improvement life. In other words, by  
1069 violating the prior FAA Grant Assurances, county will fail to generate all of the income  
1070 that would otherwise result from Palomar increased flights resulting from a runway  
1071 extension.

I75-113

1072  
1073 **8. BCA Manual Deficiency 3: County Improperly Excluded EMAS Costs from Its**  
1074 **Runway Extension Costs.**

1075  
1076 Usually, the approach county applied in its Feasibility Study and PMP to calculate a  
1077 runway extension BCA would be correct and in accordance with FAA BCA calculation  
1078 policy. The FAA requires a BCA for capacity projects costing more than \$10 million but  
1079 not for safety projects. The FAA discounts "incidental" capacity improvements that may  
1080 result from an EMAS installation. However, installing Palomar EMAS(s) are a condition  
1081 precedent, not incidental, to increasing Palomar capacity.

I75-114

1082  
1083 The physical Palomar footprint cannot accommodate a 5700-foot runway (the county's  
1084 2018-2038 project) and 1000-foot RSAs at each end to protect the more than 10,000 FAA-  
1085 rated C and D aircraft that use Palomar annually. But the existing Palomar land footprint  
1086 can accommodate a 5700-foot extension plus two 350-foot EMASs. If the Palomar  
1087 EMASs were purely motivated by safety concerns, the FAA would have required them in  
1088 2009 when it granted about \$8.6 million to the county to rehabilitate the Palomar runway.  
1089 Recall the FAA announced a nationwide program in 2000 to install EMAS systems in  
1090 airports needing them.<sup>21</sup>

1091

<sup>20</sup> See note 3 above for the FAA website Design Manual address.

<sup>21</sup> See FAA presentation on YouTube at <https://www.youtube.com/watch?v=GAFELfIVctI>.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

1092 Since the 2018 - 2038 PMP-proposed-EMAS-installation is an inherent runway  
1093 extension element, a proper BCA requires including the EMAS cost in the extension BCA.  
1094 Accordingly, the DOT Inspector General and the OMB and the GAO need to assure that  
1095 airport runway extensions - which depend on the airport substituting a shorter EMAS for a  
1096 longer RSA requirement - include the EMAS costs in the BCA runway extension  
1097 calculations.

I75-114  
cont.

1099 **9. BCA Manual Deficiency 4: County Presumes a Runway Extension Over**  
1100 **Structurally Unstable Soil Created by County in Violation of its Prior FAA Grant**  
1101 **Assurances Qualifies for an FAA Grant.**  
1102

1103 Palomar airport land today in the east end runway extension area is not a site burdened  
1104 with poor, structurally unsound, naturally occurring soils. County chose to place nearly 1  
1105 million cubic yards of trash in its Palomar Unit 1, 2, and 3 landfills while the airport was  
1106 operating. Then negligently maintained the site (allowing a crushed county storm drain to  
1107 carry oxygen to an overheated landfill), which contributed to a six- month underground  
1108 fire converting some trash to hazardous materials in the Unit 3 landfill. The proposed  
1109 runway extension costs an extraordinary amount due to county creating the unstable soil on  
1110 which a runway extension would be built.

I75-115

1112 When any entity (private party or governmental) buys problem-plagued land, the entity  
1113 reduces the land value by the land remediation cost. The federal government would not  
1114 buy contaminated property and base its purchase price on the land value as if it were in a  
1115 clean condition. We have found no evidence in the FAA AIP Handbook or in the BCA  
1116 Manual or in the OMB policies or in the GAO policies that the federal government  
1117 intended to reward grant applicants for violating the law and then claiming that the  
1118 government should pay for extraordinary development costs made necessary only by the  
1119 grant applicant.<sup>22</sup>

1121 **10. BCA Manual Deficiency 5: Improper Cost Estimate: Minimizing Structural and**  
1122 **Environmental Costs Associated with Piling Auguring and Constructing in a**  
1123 **Landfill Which May Have Earthquake Liquefaction Issues.**  
1124

1125 County provided a 2011 Palomar Runway Feasibility Study Appendix to explain how  
1126 it calculates its runway extension costs. But county failed to state the many assumptions  
1127 on which the cost estimates rely. For instance, if county extends the runway 800 feet, that  
1128 area constitutes only a fraction of the Unit 3 19 acres that the contractor needs to access.  
1129 County has acknowledged that placing the runway extension piles will require county to

I75-116

<sup>22</sup> It could be argued that the FAA knew county was filling its airport canyons with trash and therefore approved of it. However, the FAA has always viewed land development matters as within the sole jurisdiction of local authorities. Absent any long-term plan which county presented to the FAA showing that trash-filled lands would be used for runway extensions, that argument fails. Presumably county saved money by dumping trash locally rather than having it hauled to more distant locations. Having so benefited and having ignored the FAA Grant Assurances, county should not be rewarded for its intentional avoidance of FAA requirements.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

- 1130 destroy and replace the existing Unit 3 landfill methane collection system throughout the  
 1131 entire Unit 3 19 acres.<sup>23</sup>  
 1132  
 1133 As we documented<sup>24</sup> in our Part C PMP and PEIR comments, the 1960s or 1970s  
 1134 piling-filled Palomar 19 acre Unit 3 landfill – according to the expert literature – is at great

<sup>23</sup> At one of the Palomar PMP workshops, the consultant project manager noted that extremely heavy construction equipment would have to access almost all of the 19 acres, especially to complete work quickly to minimize runway downtime. Because the Unit 3 spaghetti like plastic methane collection system lies only 4 to 7 feet below the sandy surface, the heavy construction equipment may be expected to damage the system if it is not removed and replaced. Neither contractor nor county can afford to create many subsurface methane gas piping leaks. Recall from discussion early in these comments, that a county consultant – unknown to county and possibly the consultant – damaged a large underground concrete storm drain at Palomar airport, which contributed to the Unit 3 more than 6 month underground fire as the damaged storm drain fed oxygen to the fire.

<sup>24</sup> Our Bender PEIR Request 166 (BPR 166) to the County of San Diego in Part C provides:

BPR 166. County says in its § 3.1.4.2.3 Analysis: “*The Airport is not located in a known liquefaction area ... Liquefaction typically occurs in areas where groundwater is encountered at a depth of less than 50 feet. Previous subsurface borings for a landside project and an airfield project encountered groundwater at depths of eight feet and zero feet respectively. The dense nature of the Airport soils reduces the occurrence of liquefaction, however, soil over the three landfill areas of the Airport could potentially present liquefaction conditions due to [their] relatively saturated nature. ...*” Recall that county has adopted 8 criteria including project cost and eligibility for state and FAA grant funds so that the Board of Supervisors may assess all alternative impacts.

One of two things is true. Either county has with care calculated the cost and safety of extending the Palomar runway (and likely Taxiway A) 800 feet over Palomar landfill Units 1, 2, and 3. Or county is deferring this analysis to a future runway relocation and extension analysis. In the final PMP and PEIR, county needs to disclose to the public and to the Board of Supervisors and to the FAA which path county is taking. Both paths have immediate consequences for the following reasons:

- To quote one research article (Earthquake safety evaluation of sanitary landfills)<sup>24</sup>:

“*Article Abstract*

*Earthquake ground motions at municipal solid waste landfills must be specified according to the level of hazard or criticality of the site along with the type of engineering analysis that is to be performed. Today's landfills, when built to regulatory standards, are unlikely to be critical, but older landfills can be seriously hazardous. Consequently, the hazards are graded as: (1) none to negligible; (2) low; (3) moderate; and (4) great. ... Motions must be specified appropriately for the type of analysis, whether it is for foundation liquefaction, stability of slopes, integrity of barriers, earth pressures, or the design of appurtenant structures.” (Emphasis added.)*

- County built and operated the Unit 1, 2, and 3 landfills in the period 1965 to 1975, long before landfill engineering was a precise science – as evidenced by the fact that county did not even install the today standard three foot clay bottom liner to prevent landfill garbage juice from migrating to clean soils. In other words – absent evidence from county to the contrary – it is quite likely that the Palomar landfills fall into the “seriously hazardous” category (that is subject to liquefaction) noted in the article above.
- County plans to drill hundreds of holes, each 15 feet to 40 feet deep, through the landfills to support grade beams which will in turn support an extended runway (and presumably also Taxiway A).

I75-116  
cont.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

1135 risk of liquefaction in a decent size earthquake. In other words, it may well turn jello-like  
 1136 and the stability of several hundred pilings, each 15 feet to 40 feet deep- supporting a  
 1137 \$30,000,000 600-foot Palomar runway extension deck could be in jeopardy. Engineers  
 1138 could likely compensate for this risk by placing pilings deeper, adding more pilings, and/or  
 1139 placing the pilings closer together. But the 600-foot extension cost might then balloon to  
 1140 \$40,000,000 instead of \$30,000,000.

1141

1142 The FAA, DOT Inspector General, the OMB, and the GAO should all require county to  
 1143 (1) state in detail all the assumptions that county made to calculate its runway extension

- 
- Based on my experience<sup>24</sup> while working at the Port of Los Angeles for 27 years, during which the Port undertook several projects requiring both sheet piling and regular piling, I am aware that the bearing capacity of pilings (that is, how much weight they can bear) depends on two factors. First, how much capacity results from the firmness of the soil on which the bottom of the pile sits. Second, how long the pile is and how much friction exists along the piling length and diameter to prevent it from slowly slipping deeper into the ground.
  - The county PMP has said that county wants to attract C and D aircraft to Palomar. Those aircraft can weigh up to 90,000 pounds.
  - If an earthquake “liquified” the Palomar landfills (turned the trash into jellolike consistency), the several hundred piles drilled into the ground would lose their vertical bearing capacity. As a result, the extended runway capacity would likely be compromised.
  - Engineers are great and can solve many problems (forgetting for the moment Pisa’s leaning tower). It may be that Palomar engineers can overcome Palomar landfill liquefaction issues by sinking the pilings deeper into the ground, making them larger, increasing the number of pilings supporting the runway extension grade beams, and in other ways BUT at an enormous cost penalty in labor and material.

BPR 166 (con’d). In the final PMP and PEIR, discuss the foregoing issues. Specifically, state: When county prepared its cost estimate to extend the Palomar runway 800-feet that county staff is asking the Board of Supervisors and the FAA to rely on:

- What magnitude earthquake did county plan for?
- What was the cost estimate for the 800-foot extension?
- Did the cost estimate assume that the bearing capacity of the pilings place came exclusively from the bearing capacity of the soil at the piling bottoms or also from the frictional resistance of the length of the pilings?
- How would the county know what the bearing capacity of the soils under the landfills in the area of the runway and taxiway A extensions are unless county had first taken very deep borings in those areas? Did county take such borings before coming up with its piling bearing capacity estimates? If so identify the specific boring report and state the number of borings taken, at what depth, at what spacing, and the bearing capacity they showed.
- Using an appropriate landfill modeling technique, as suggested by the article referenced above, what effort did county make prior to calculating its landfill extension cost to determine whether the Palomar Unit 1, 2, and 3 landfills are subject to a serious liquefaction risk?
- What degree of confidence does county staff have in the 800-foot extension cost provided above? 90%? 50%? How was this degree of confidence arrived at if the data noted above is missing?
- Why should the Board of Supervisors commit the county to a \$100 million plus Palomar expansion, given the piling cost and safety uncertainties?

175-116  
cont.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

1144 costs and (2) the supporting evidence that such assumptions are correct. The public should  
1145 also be given a chance to review these assumptions and to provide contrary evidence to the  
1146 FAA. Among the assumptions that county should be required to verify are (1) how much  
1147 cumulative garbage trash county will county have to remove from the several hundred  
1148 holes, each 15 feet to 40 feet deep, that will be drilled so concrete pilings can be cast in the  
1149 holes, (2) how much of this material will be classified as hazardous, (3) where will the  
1150 material be disposed of, and (4) how much will the disposal cost be?<sup>25</sup> County also needs  
1151 to answer the questions dealing with liquefaction listed in footnote 28.

175-116  
cont.

1152  
1153 **11. BCA Manual Deficiency 6: County's PMP and BCA Estimates do Not Disclose**  
1154 **How Annual Landfill Maintenance Costs will Be Handled.**  
1155

1156 The FAA BCA Manual requires that cost calculations include the maintenance and  
1157 operational costs over the 20-year-life of the project proposed. With one possible known  
1158 exception, the "County Landfill Management Division" has paid for maintaining landfills  
1159 in the past.<sup>26</sup> Not county Airports. But auguring hundreds of pilings up to 40 feet deep  
1160 through the landfill is a proposed airport, not landfill, project. Accordingly, environmental  
1161 harm and expenses caused by such auguring should be born by county Airports, not by  
1162 taxpayers funding general county operations. County's PMP fails to address how these  
1163 costs should be handled, nor estimate them. Such costs are properly part of the BCA  
1164 calculation.

175-117

1165  
1166 **12. BCA Manual Deficiency 7: County's 2011 Runway Feasibility Study and 2018**  
1167 **PMP Fail to Provide a Meaningful "Sensitivity" Analysis to Support the Project**  
1168 **Revenues and Costs it Forecasts and the Accuracy of the Resulting BCA Ratio**  
1169 **Calculated.**  
1170

1171 The BCA Manual requires local airport sponsors to identify and assess how changing  
1172 project assumptions impact the BCA ratio. Specifically, the FAA BCA Manual says:

175-118

1173 *"3.10 Perform Sensitivity Analysis: Because uncertainties are always present in the*  
1174 *benefit and cost estimates used in the comparison of alternatives, a complete*  
1175 *understanding of the investment decision can be developed only if key assumptions are*  
1176 *allowed to vary. When this is done, it is possible to examine how the ranking of the*  
1177 *alternatives under consideration holds up to a change in a relevant assumption and*  
1178 *under what conditions the project is or is not worth doing. Methodology for conducting*  
1179 *sensitivity analysis is presented in Section 13.*<sup>27</sup>"

<sup>25</sup> If California agencies classify the material as hazardous, the disposal cost will be much more expensive resulting from longer hauling distances (more truck expense) and higher fees from the few landfills allowed to take compromised materials.

<sup>26</sup> County previously produced public records showing that County Airports and County Landfill Management at one time entered into a Memorandum of Understanding to pay for the annual cost of monitoring the Palomar landfills and correcting defects, such as methane gas periodically seeping through cracked asphalt surfaces and landfill settlement damaging airport buildings.

<sup>27</sup> FAA BCA Manual, § 3.10 at p. 8. See also 4) and 5) in § 5.2 on p. 13 and § 9.1 on p. 23 and 13.3 on p. 8.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

1180 County's 2011 Runway Feasibility Study on p. 1-13 gives "lip service" to the FAA  
1181 sensitivity requirement by proclaiming :

1182 *"The analysis also included a sensitivity study which was intended to examine how*  
1183 *the ranking of alternatives would hold up to a change in the projected airport*  
1184 *usage and under what conditions the project is or is not worth doing. The*  
1185 *sensitivity analysis also considered what a slowdown in the airport activity growth*  
1186 *could have on the overall effectiveness of the project."*<sup>28</sup>

1187 Unfortunately, county fails to outline its specific original or changed assumptions or  
1188 evidence used to work the "sensitivity magic" or the methodology. In short, neither the  
1189 public nor FAA nor DOT IG nor the OMB nor the GAO would have any way of  
1190 identifying, understanding, or confirming the county's sensitivity analysis or conclusions.  
1191 Moreover, the county 2018 – 2038 PMP and PEIR supersede the 2011 Runway Study.  
1192 And, these latter documents provide insufficient cost and revenue assumptions supported  
1193 by reliable data.

1194 County fails to discuss many variables that could significantly change Palomar  
1195 operation levels. Such variables include:

- 1196
- 1197 • how many corporate international flights Palomar would ever handle (relevant to
- 1198 aircraft taking on large quantities of aviation fuel and generating airport revenue) –
- 1199 the primary justification for a longer runway;
- 1200 • how many corporate jets would want to take on more expensive California aviation
- 1201 fuel;
- 1202 • how many corporate jets need to stop at other locations en route to an international
- 1203 destination to pick up other members of the corporate team;
- 1204 • how much more fuel corporate jets could take on and how much farther they could
- 1205 fly with only a 200-foot Palomar runway extension;
- 1206 • how technology changes affect the need for corporate jets to fly internationally;
- 1207 • whether Carlsbad voters would approve county's Palomar runway extensions and
- 1208 relocations;
- 1209 • whether voters ignored by county would boycott Palomar operations;
- 1210 • how runway construction costs would change as county encounters hazardous
- 1211 landfill materials that need to be removed;
- 1212 • how the new-to-market efficient aircraft impact the need for a longer runway;
- 1213 • how the continuing decline in general aviation flights since 2000 will affect
- 1214 county's operational projections;
- 1215 • how the comparative cost of Palomar flights v. vehicle shuttles provided by Uber,
- 1216 Lyft, and autonomous self driving rental cars within 10 years will limit Palomar
- 1217 commuter flights to LAX; and

175-118  
cont.

<sup>28</sup> See 2011 Runway Feasibility Study at p. 1-13. A search for the term "sensitivity" did not produce any other references in the body of the Study.



Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ) Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

- 1218 • how county's construction and operational and maintenance cost estimates will  
1219 change based on the issues raised in these comments – among many other  
1220 variables.  
1221  
1222

175-118  
cont.

1223 **End of Part B Bender Comments Related to the County PMP and PMP**  
1224 **EIR to Comply with FAA Grant Requirements**  
1225  
1226  
1227

1228 **Attachment to Bender Part B Comments on County PMP & PMP EIR =**  
1229

175-119

1230 **October 15, 2013 SCS Engineers (County Consultant) Report Entitled:**  
1231 *Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the*  
1232 *Landfill Cover at Palomar Airport Landfill, Carlsbad, California*  
1233  
1234  
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2018 March 18 Bender Part B Comments on County PMP and PEIR

**Comment Letter I75  
Exhibit**

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**SCS ENGINEERS**

 October 15, 2013  
File No. 01213281-00

DRAFT

 Mr. Jason Forga, P.E.  
County of San Diego  
Department of Public Works  
5510 Overland Avenue, Suite 210  
San Diego, CA 92123

**Subject:** Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad, California

Dear Mr. Forga:

The County of San Diego (County) is currently evaluating the possibility of extending the east end of the existing runway at the McClellan-Palomar Airport (Airport). Since the Airport is constructed on a closed landfill site equipped with a below-grade landfill gas (LFG) collection and control system (GCCS), SCS Engineers (SCS) was retained to evaluate the possible environmental impacts of a potential aircraft crash into the landfill cover at the site. Please note that this report attempts to evaluate the worst case "what-if" scenario, and assumes that the impact from an aircraft crash into the landfill cover would result in uncovering buried solid waste materials and damage to the GCCS. Whether or not this scenario is possible, is beyond the scope of this report. Further analysis on whether or not the landfill cover could be penetrated by an aircraft impact, and to what degree, may be the subject of a future study. These services were approved by the County, and Task Order #250 was issued authorizing work on August 30, 2013.

## 1 BACKGROUND

Palomar Airport, located in Carlsbad, California, is owned and operated by the County (Figure 1 Location Map). The airport is partially located over a closed landfill site, which operated as a Class III municipal solid waste (MSW) disposal facility between 1962 and 1975. Over time, the anaerobic decomposition of the organic waste components buried in the landfill produces a by-product gas known as LFG. LFG primarily consists of about 50 percent methane and 50 percent carbon dioxide. It also includes trace amounts of nitrogen and oxygen, and minute amounts of non-methane organic compounds (NMOCs) and inorganic compounds. Methane is a principle component of natural gas, and is explosive at concentrations of 5 percent and 15 percent by volume in air. Hence, to prevent possible hazards associated with the migration of methane beyond the limits of the buried waste footprint, a below-grade GCCS has been installed on the site that collects and disposes the collected LFG in an enclosed flare.

Mr. Jason Forga  
October 15, 2013  
Page 2

## 2 EXISTING CONDITIONS

The Palomar Airport landfill consists of three (3) distinct MSW areas, designated as Unit 1, Unit 2, and Unit 3, also referred to as "Areas" (Figure 2: Site Map). Area 1 is located in the south-central portion of the airport, beneath a complex of aircraft fixed base operators. Area 2 is located adjacent to, and south of the east end of the runway. Area 3 is located in the easternmost portion of the airport (east of the runway). All three (3) areas are covered with between two to seven feet of soil, but Areas 1 & 2 are also covered with asphaltic-concrete (AC). Areas 1, 2 and 3 include a network of LFG extraction wells and high-density polyethylene (HDPE) piping, installed below-grade. The wellheads for the existing extraction wells are constructed in below-grade vault boxes. Table 1: "GCCS Layout in Areas 1, 2 and 3 at the McClellan-Palomar Airport Landfill" shows the distribution of the existing seventy-two (72) LFG extraction wells and the average depths of the vaults and HDPE piping over the site.

Table 1: GCCS Layout in Areas 1, 2 and 3 at the McClellan-Palomar Airport Landfill

Area	# of LFG Extraction Wells	Average Vault Depths (feet)	Average HDPE Pipe Depths (feet)
Area 1	26	2 - 4	2 - 7
Area 2	11	3 - 6	2 - 7
Area 3	35	3 - 6	2 - 7

The GCCS also includes a blower flare system used to provide the vacuum to extract the LFG from the landfill and deliver it to a skid-mounted enclosed flare, with a heat release rating of 9.35 million British Thermal Units per hour (MMBtu/hr), used to destructively combust the LFG. The flare stack has an outer shell diameter of 4 feet and is 24 feet high. Presently, the flare is being operated at a heat release rating of approximately 2.2 MMBtu/hr, based on an LFG methane content of 30 percent, at 120 standard cubic feet per minute (scfm). The flare is located in the southern portion of the airport, south of Area 1 (Figure 2). In addition to the GCCS, the site also includes nineteen (19) LFG monitoring probes located along the perimeter of the site used for compliance monitoring to verify the GCCS is effectively controlling the potential for offsite subsurface migration of LFG.

The airport footprint also consists of office buildings, hangers and storage facilities (Figure 3: Airport Layout and Facilities Map). While portions of the landfill in Areas 1 & 2 are used for aircraft parking and other facilities, no areas of the closed landfill are used for aircraft runway.

In order to meet the existing demands of the airport, several improvements are currently under study. One such improvement is the extension of the east end of the existing runway. The objective of this preliminary evaluation is to assess the potential environmental impacts resulting

**Comment Letter I75  
Exhibit**

Mr. Jason Forge  
October 15, 2013  
Page 3

from a 'worst-case scenario' of a near vertical impact, i.e., 'nose-dive', crash into the landfill cover and its potential impact on the existing GCCS.

### 3 IDENTIFICATION OF HAZARDS

SCS reviewed a variety of standards and documents, including Federal Aviation Agency (FAA), National Transportation Safety Board (NTSB) and Department of Energy (DOE) resources, to identify potential hazards resulting from an aircraft crash event. Based on our assessment of these resources, the following identifies the most likely source of hazards and environmental impacts that could be encountered during and following an aircraft crash at a landfill site equipped with a GCCS.

- **Spillage of flammable liquids such as Jet fuel**

Most aircraft carry large volumes of petroleum-based aviation fuels, such as aviation gasoline, and Jet A and Jet A-1 fuels, in the wings and on the fuselage of the aircraft. During a crash, the wings and fuel lines in the fuselage of the aircraft can be severely damaged in impact with the ground or with other aircraft, resulting in the release of the gasoline or jet fuel. These fuels are highly combustible, burn at extremely high temperatures, can be corrosive to aircraft equipment and are highly toxic to human beings. The fuel types and quantities can vary from aircraft to aircraft. Ignition of the jet fuel, or other flammable material, upon impact could also be highly probable.

- **Burning of solids**

Post-crash fires can result in burning of a variety of solids such as aircraft batteries and electrical equipment, engines, tires, wheels, pathogenic substances, radioactive materials, and metals such as aluminum, and fiber-reinforced polymer composites of the aircraft fuselage and wings.

Most landfills are vegetated with grasses for soil erosion control purposes. If the crash occurs during the dry season, grass fires could ignite and spread to other areas of the site and create secondary environmental issues such as smoke (air quality issues), as well as possible offsite wild fires and/or burn, smoke, and/or structural damage to other onsite or offsite property.

At a landfill site, a violent aircraft crash ground impact, such as a near vertical impact, may also result in an impact crater that exposes the buried solid waste to the atmosphere. Post-crash fires can then initiate surface fires as the LFG is now free to vent directly into the atmosphere. Once a surface fire ignites, it can also potentially begin to burn the exposed waste materials and spread down into the subsurface solid waste. Subsurface landfill fires, once started, can continue indefinitely as they tend to create a natural draft inducing air into the landfill allowing them to travel and spread horizontally and deeper into the waste mass. For this reason, smoldering solid waste materials that are below grade can be difficult to control and extinguish. Subsurface landfill fires will damage below grade GCCS components while surface fires can damage above grade GCCS components.

**Comment Letter I75  
Exhibit**

Mr. Jason Forga  
October 15, 2013  
Page 4

- **Spillage of cryogenic liquid**

Cryogenic liquids, such as liquid nitrogen and liquid helium, are liquefied gases that are retained in their liquid state at very low temperatures. These liquids are used as cooling agents to reduce engine temperatures, thereby reducing equipment stress and increasing life. These liquids are classified as 'compressed gases' on the Workplace Hazardous Materials Information System (WHMIS). Hence, even low quantities of cryogenic liquids can expand into large volumes of gases, while maintaining their low temperatures. If not stored in containers with adequate pressure-relief devices, enormous pressures can build up within the containers.

The impact from an aircraft crash can cause a sudden, rapid increase in the internal pressure of the container. Results can range from damage to surrounding equipment, structures, explosions, called 'boiling liquid expanding vapor explosion,' to asphyxiation hazards.

- **Pressurized liquid and/or vapor release**

Aircraft utilize a variety hydraulic and pneumatic accumulators, which contain pressurized air or fluids that assist in the operation of equipment, such as brakes, landing gear and Auxiliary Power Units (APUs). In the event of an aircraft crash, the accumulators can rupture and lead to sudden discharge of large amounts of pressurized fluids, resulting in destruction of property and possibly, injury to persons in proximity to the rupture.

- **Pipe rupture**

Impact from an aircraft crash may result in extensive damage to nearby above/below-grade utility lines. Damage or rupture of a buried water, gas or storm drain line, could contaminate nearby soils and water bodies. Emission releases from pipes could severely compromise the air quality and even cause explosions, depending on the contents of the carrier pipes.

Impact to piping associated with the GCCS may damage the system and cause a release of LFG to the atmosphere. If the LFG concentration is within flammable ranges and an ignition source is present, explosions or fires may occur. The quantity and general location of LFG extraction wells and piping are summarized above in Table 1.

- **Other**

Aircraft crashes can also create flying debris which could damage buildings and structures on and off the airport property, including above grade GCCS components. SCS did not study the buildings and structures in the vicinity of the site as our analysis was limited to the GCCS. However, it is important to note there are no buildings and structures on Area 3.

- **Site-Specific Hazards**

Depending on the type and the location of the crash site, any or all of the above described hazards may be encountered during an aircraft crash at Palomar Airport. Areas north of Areas 1

**Comment Letter I75  
Exhibit**

Mr. Jason Forgo  
October 15, 2013  
Page 5

\* and 2 of the airport serve as aircraft parking areas, house fuel farms and other structures, which store various chemicals required for routine aircraft maintenance activities. There is an additional fuel island north of Area 3. A crash in this area could result in extensive damage to structures and other parked aircraft. A detailed review of the different types of chemicals, their locations and proximity to the runway and/or to the three landfill areas is beyond the scope of this preliminary evaluation.

The site also contains a below-grade, high-pressure, gas transmission main, owned by San Diego Gas & Electric (SDG&E), running east-west, along the north fence of the property. Damage to gas mains can vary from a gas leak resulting in the evacuation of surrounding areas, to potentially significant explosions. Please note SDG&E transmission main is more than 450 feet north of the existing runway centerline.

\* Additionally, there are several below-grade LFG extraction wells and pipelines, as described in Table 1, which are assumed to be damaged/ ruptured by an aircraft crash causing free-venting of methane into the atmosphere. Furthermore, a post-crash fire can pose as an ignition source, which can lead to explosions, depending on the concentrations of methane and oxygen in the affected LFG pipelines, affected by the crash. No explosion related energy release calculations or emissions calculations were conducted as part of this evaluation. A post-crash fire and/or explosion will also severely compromise the air quality at the site and, possibly, at downwind locations. The San Diego air basin is currently in non-attainment of the 8-hour ozone standard set by the United States Environmental Protection Agency (USEPA) as well as non-attainment for state particulate matter standards. Regulatory consequences of emissions release from a gas leak, fire or explosion were not assessed under this preliminary evaluation.

Finally, the site also maintains an extensive storm water drainage system with a treatment vortex. It is our understanding that the treatment vortex is inspected once a year and cleaned out, if necessary. Storm water runoff from the airport property travels through the drainage system and the treatment vortex, to a structure under an existing business park area, located immediately north of the airport. This runoff eventually discharges into Agua Hedionda Lagoon, located north-west of the airport. Under a worst case scenario, it is assumed contaminated liquids from fire-fighting efforts or chemicals released from a crash can enter the storm water management system and potentially impair downstream tributaries and water bodies such as the Agua Hedionda Lagoon. However, this would require a substantial quantity of fuel and/or fire-fighting chemicals for this scenario to even be possible. No calculations were performed under this preliminary evaluation.

#### 4 DISCUSSION

In accordance with the scope of services identified in the proposal, SCS evaluated a vertical impact scenario into the landfill cover, focusing on the east end of the runway. During the past ten (10) years, there have been twelve (12) separate incidences of aircraft accidents, both fatal and non-fatal, in nature, all of which occurred during take-off and landing related operations. Since the lengthening of the runway can potentially alter the glide path of the aircraft, SCS has



**Comment Letter I75  
Exhibit**

Mr. Jason Forga  
October 15, 2013  
Page 6

included brief discussions on two (2) additional aircraft crash scenarios. The following sections present a summary of the effects of runway extension on the existing landfill and GCCS, and also discuss possible environmental impacts from typical aircraft accidents during take-off and landing, as well as the vertical impact scenario, requested by the County.

#### **EFFECT OF RUNWAY EXTENSION ON THE EXISTING LANDFILL AND GCCS**

In a feasibility study for potential improvements at Palomar Airport, prepared by Kimley-Horn and Associates, Inc. (Kimley-Horn), dated August 2013, three different runway extension alternatives were identified. These include a 200-foot extension, a 900-foot extension, and a 1,200-foot extension to the east of the existing runway, over areas containing the existing landfill and GCCS (See Figure 5H: Runway Extension Alternative and Approximate Location of Landfill, Kimley-Horn). The feasibility study also states that under the 200-foot extension alternative, there would be minimal impact to the existing landfill and GCCS, while the other two alternatives (900 feet and 1,200 feet) would require extensive ground stabilization efforts and reconstruction of the GCCS. Furthermore, the feasibility study recommends 'Drilled Displacement Columns' (DDC) as the most suitable method for improving the bearing capacity and stability of soils, and reducing settlement in compressible materials i.e., solid waste, in this case. Under this method, columns would be constructed by advancing a drilling tool through the existing landfill, to the native formations below. The drill would then be slowly retracted, while filling the borehole with concrete or grout. Finally, an asphalt concrete runway pavement would be constructed, with geogrid-reinforced fill soils placed directly over the DDC. Depending on the extension alternative selected, additional portions of Area 3 may be covered by runway pavement, potentially minimizing landfilled areas where cover soils and solid waste could be stripped in the event of an aircraft crash. Consequently, a portion of the Area 3 GCCS extraction well and HDPE piping system will likely need to be re-designed and re-constructed.

#### **SCENARIO 1 – TAKE-OFF**

Aircraft at Palomar Airport are permitted to take-off and land from the east end as well as the west end of the existing runway, depending on wind direction. During take-offs, aircraft are at their highest weight due to the aviation fuel they carry for the length of the flight. A heavier aircraft requires higher take-off speeds. It is our understanding that some of the larger aircraft at Palomar Airport do not take-off on a full tank of fuel. This is because a full tank of fuel increases the weight of the aircraft, thus necessitating higher take-off speeds, which in turn require greater runway lengths. The length of the existing runway is insufficient for certain aircraft operating at Palomar Airport to achieve the higher speeds needed. By extending the runway to the east, it is the intent of the County to facilitate these aircraft to achieve higher speeds, needed with higher on-board fuel quantities.

With the current runway configuration, when an aircraft takes-off from the east end (as is typical, based on the prevailing wind direction in San Diego County, which is generally from the west), aircraft would not fly directly over the landfill units once becoming airborne, reducing the

**Comment Letter I75  
Exhibit**

Mr. Jason Forge  
October 15, 2013  
Page 7

possibility that an aircraft crash could impact the landfilled areas. If aircraft are taking-off toward the east (for example during "Santa Ana" winds from the east to northeast), then it is likely that aircraft would fly over landfill units leading to a possibility of the environmental impact scenarios discussed above. In case of mechanical failures or other events that could contribute to aborting a take-off, the probability that an aircraft now carrying a larger quantity of fuel impacting the landfill could increase. Please note, SCS did not review and/or analyze glide paths during take-off or landing for aircraft operating at Palomar Airport. Also, per Airport records, take-off toward the east is infrequent (approximately 5% of all take-offs), thereby reducing the possibility of such an event. As stated in the earlier sections, aviation fuel is highly flammable and spillage of the same has the potential to cause the various impacts detailed above, if not contained during firefighting efforts.

#### SCENARIO 2 – LANDING

Currently, when an aircraft lands from the east, it would touchdown in the vicinity of Area 3 landfill. Discussions with the airport authorities indicate that under any of the runway extension alternatives, the landing threshold will be moved back further to the east, an estimated distance of approximately 200 feet. Please note that the landing threshold and end of the runway are not necessarily the same. If an east side "displaced threshold" is implemented at Palomar Airport, then the landing threshold would be displaced some distance from the end of the runway. During take-off, aircraft would utilize the entire runway, while during landing, aircraft would be required to extend their approach to touch down at or beyond the displaced threshold. This would mean that aircraft landing on the new runway may touchdown at a location approximately 200 feet further east of the current touchdown location. In the event of failure to touchdown at the predetermined threshold and/or other mechanical issues that prevent a typical touchdown, there could be aircraft accidents with potential environmental impacts.

However, as previously discussed under the different runway extension scenarios, additional portions of Area 3 may be covered by pavement, potentially minimizing landfilled areas where cover soils and solid waste could be stripped in the event of an aircraft crash. Theoretically, a runway with a typical section consisting of subgrade cover, geogrid, lightweight cement and asphalt concrete, would decrease the possibility of an aircraft penetrating the landfill by creating a substantial barrier that would have to be breached before impacting the landfill.

#### SCENARIO 3 – VERTICAL IMPACT TYPE CRASH

As discussed previously, this report assumes that an impact from an aircraft crash into the landfill could breach cover soils and expose solid waste. This scenario could result in the free-venting of LFG to the atmosphere. Alternatively, the impact from the crash could rupture below-grade HDPE pipes and damage LFG extraction wells, also leading to the free-venting of LFG to the atmosphere.

Under this worst case scenario a post-crash fire could theoretically aggravate this situation by serving as an ignition source to the potentially explosive LFG vapors. There could also be a

**Comment Letter I75  
Exhibit**

Mr. Jason Forgo  
October 15, 2013  
Page 8

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subsurface fire, which could continue for an unspecified duration of time. The site has also reported instances of subsurface oxidation events in the past, not related to the airport or any aircraft accidents.

As stated earlier, SCS did not perform any energy or emissions calculations or assess the regulatory implications under this preliminary evaluation. Post-crash firefighting methods for crash related fires, landfill surface and subsurface fires would include one or a combination of methods such as water, smothering with soil, using heavy equipment and foam type suppression agents, which could cause some of the impact described above.

Based on the current location of the blower/flare facility (on the south side of Area 2), it is unlikely that it would be directly impacted or damaged as a result of an aircraft crash event. However, in the event that landfill cover soils are breached at the crash site and there is damage to the HDPE pipe network, air would be introduced into the collection system. With the GCCS still being under vacuum, air drawn into the ruptured end of the piping would slowly move towards the blowers and, possibly, into the flare. Under this scenario, it is possible for the flame within the flare, to propagate back into the collection piping, depending on the composition of the residual gas mixture in the collection piping. It is difficult to predict the magnitude or duration of this scenario, however, there could be extensive damage to the flame arrestor at the flare, blowers, knockout pot and piping, unless the system shuts itself down due to a no-flame or low temperature alarm.

## 5 CONCLUSIONS & LIMITATIONS

This report attempts to evaluate the worst case 'what-if' scenario, and assumes that the impact from an aircraft crash into the landfill cover would result in uncovering buried solid waste materials and damage to the GCCS. The above described events are noted as a 'worst case' scenario and only postulated upon the request from the County. Whether or not this scenario is possible, is beyond the scope of this report. For this preliminary evaluation, it is assumed that any or all of these events are theoretically possible during an aircraft crash event. However, SCS did not conduct any statistical analysis to assess the probability of any of these events or the vertical impact type aircraft crash event. SCS did not assess or evaluate the energy released from any aircraft crash or pipe explosions. Analysis on whether or not the landfill cover itself could be penetrated by an aircraft impact and to what degree may be the subject of a future study. Lastly, SCS did not review and/or analyze typical glide paths for aircraft operating at Palomar Airport, or glide slope for the airport itself.

If, after further planning and study, a suitable runway extension alternative is selected, the limits of proposed ground stabilization efforts, and associated construction activities, will be established. Associated re-design/re-construction of the GCCS will depend on the runway option selected and the extent to which the proposed runway will impact refuse disposal areas.

**Comment Letter I75  
Exhibit**

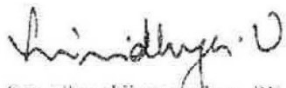
Mr. Jason Forge  
October 15, 2018  
Page 9

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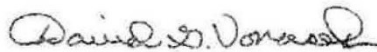
**CLOSING**

SCS appreciates the opportunity to assist the County with this important project. For any questions, please call either of the undersigned.

Sincerely,



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Senior Project Professional  
SCS ENGINEERS



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Cc: Steve Cooper, SCS Field Services  
Chuck Houser, SCS Engineers

Mr. Jason Forgo  
October 15, 2013  
Page 10

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**Comment Letter I75  
Exhibit**

